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REPLY TO:

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FREDERICK W. TURNER, COUNSEL

November 26, 2008

* ADMITTED NY, NJ AND DC

By Overnight Delivery

Hon. Chairman Genaro Argenio
and Members of the Planning Board
Town of New Windsor
555 Union Ave
New Windsor, New York 12553

RE: **Omnipoint Communications Inc. ("Omnipoint")**
111 Windsor Highway, New Windsor, NY

Dear Hon. Chairman Argenio and Members of the Planning Board:

We are the attorneys for Omnipoint Communications Inc. ("Omnipoint"), in connection with Omnipoint's application to install a wireless communications facility ("Facility") at the above referenced site. The Facility consists of a 120 foot monopole with antennas, together with related equipment at the base thereof.

Kindly note that we have attended a work session with the Town Engineer, Mark Edsall, on Wednesday, February 7, 2007 and have incorporated Mr. Edsall's comments into the materials submitted herewith. In connection with the foregoing, we respectfully submit the following documents together with the required fees:

1. Eight (8) copies of the Planning Board Application Form, together with a Proxy Statement from the property owner authorizing Omnipoint to file the application, Certificate of Flood Hazard Area Development, and Agricultural Data Statement;
2. Eight (8) copies of the Planning Board Application Submittal Checklist;
3. Eight (8) copies of the Town of New Windsor Planning Board Site Plan Checklist;
4. Eight (8) copies of a Memorandum in Support of the Application, including a Full EAF; and

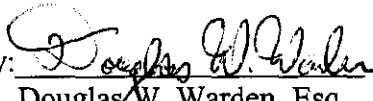
09-6

5. Eight (8) copies of a signed and sealed plan, depicting the proposed Facility

We look forward to discussing this matter with you further at the next available Planning Board meeting.

If you have any questions or require additional documentation, please do not hesitate to call.

Very respectfully submitted,
SNYDER & SNYDER, LLP

By: 
Douglas W. Warden, Esq.

Enclosures
DWW:bto
cc: Omnipoint

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Genaro Argenio, Planning Board Chairman
FROM: Kenneth Schermerhorn, Asst. Fire Inspector
SUBJECT: PB-09-01
Omnipoint-Cell Tower
SBL: 9-1-26
DATE: January 13, 2009

Fire Prevention Reference Number: FPS-09-001

A review of the above referenced site plan and special permit have been conducted and is approved.

PLANNING BOARD
TOWN OF NEW WINDSOR

-----X
In the matter of the Application of

Omnipoint Communications Inc.

Premises: 111 Windsor Highway, New Windsor, New York
Section 9, Block 1, Lot 26
-----X

**MEMORANDUM IN SUPPORT OF APPLICATION BY
OMNIPOINT COMMUNICATIONS INC.
FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL FOR
A WIRELESS TELECOMMUNICATIONS FACILITY**

I. Introduction

Omnipoint Communications Inc. ("Omnipoint" or "Applicant") respectfully submits this memorandum in support of its application to install a wireless telecommunications facility ("Facility") on the property ("Property") located at 111 Windsor Highway, New Windsor, New York. The Facility will consist of a one hundred twenty (120') foot monopole with panel antennas mounted thereon, together with related equipment at the base thereof within a fenced equipment compound.

II. Statement of Facts

The Property is 49 acres in size, is known as Section 35, Block 1, Lot 44 on the Town of New Windsor Tax Map, and is located in the C (Design Shopping) Zoning District. Pursuant to the Zoning Code of the Town of New Windsor (hereinafter the "Zoning Code"), Article III of the Zoning Code, entitled "Use Regulations," and Section 300-28, entitled Telecommunications towers (hereinafter the "Wireless Law"), the Facility is permitted at the Property by special use permit and site plan approval from the New Windsor Planning Board.

The proposed Facility will be utilized by Omnipoint to provide personal wireless services to the Town of New Windsor (hereinafter the "Town"). A detailed site plan depicting the Facility, prepared by Tectonic Engineering & Surveying Consultants P.C., dated June 20, 2008 (the "Site Plan"), is submitted herewith.

09-01

III. Public Utility Status

Under the laws of the State of New York, the Applicant qualifies as a public utility. See Cellular One v. Rosenberg, 82 NY2d 364 (1993) (hereinafter referred to as "Rosenberg"), Cellular One v. Meyer, 607 NYS 2d 81 (2nd Dept. 1994) and Sprint Spectrum, L.P. v. Town of West Seneca, (Index No. 1996/9106 Feb 25, 1997, Sup. Ct. Erie County). In Rosenberg, *supra*, the Court of Appeals, New York's highest court, held that federally licensed wireless carriers (such as the Applicant) provide an essential public service and are public utilities in the State of New York. Public utilities should be accorded favored treatment in zoning matters.

The Applicant's status as a public utility is underscored by the fact that its services are an important part of the national telecommunications infrastructure and will be offered to all persons that require advanced digital wireless communications services, including local businesses, public safety entities, and the general public.

In addition to its status as a public utility, kindly note that Omnipoint is licensed by the Federal Communications Commission ("FCC"). A copy of Omnipoint's FCC license is attached hereto as Exhibit 1. The FCC requires that Omnipoint, as a provider of Personal Communication Services ("PCS"), timely complete the construction and build-out of its wireless network and fill coverage gaps in its federally licensed service area, which includes the Town of New Windsor.

There is also a public need for the Applicant's service, as evidenced by the granting of a license to the Applicant by the FCC. This grant constitutes a finding that the public interest will be served by the Applicant's service and is consistent with the public policy of the United States "to make available so far as possible, to all people of the United States a rapid, efficient, nationwide and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication . . . [.]" 47 U.S.C. §151.

The instant application is filed in furtherance of the goals and objectives established by Congress under the federal Telecommunications Act of 1996. The federal Telecommunications Act of 1996 is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "*rapid deployment of new telecommunications technologies* (emphasis supplied)." Reno v. ACLU, 521 U.S. 844, 857 (1997). The federal Telecommunications Act of 1996 builds upon the regulatory framework for commercial mobile [radio] services which Congress established in 1993. Indeed, since 1993, it has been the policy of the United States to "foster the growth and development of *mobile services* that, by their nature, *operate without regard to state lines* as an integral part of the *national telecommunications infrastructure*." H.R. Rep. No. 103-111, 103d Cong., 1st Sess.

to make wireless 911 services available to all Americans. The express purpose of the Act, as articulated by Congress, was *"to encourage and facilitate the prompt deployment throughout the United States of seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs"* (emphasis added).

IV. The Proposed Facility Meets the Standards for a Special Use Permit

The instant application respectfully requests special use permit approval in accordance with the specific standards set forth in Section 300-28 of the Wireless Law, the specific site development plan standards set forth in Section 300-86 of the Zoning Code, and the special permit standards set forth in Section 300-87 of the Zoning Code, as applicable to the proposed Facility.

A special permit use is permitted as of right when the applicant has demonstrated compliance with the applicable standards. See Matter of North Shore Steak House v. Board of Appeals of Inc. Vil. of Thomaston, 30 N.Y.2d 238 (1972). In reviewing the proposal, the following factors are offered for consideration in accordance with the Wireless Law and Zoning Code:

A. Sections 300-28(E)-(U) of the Wireless Law:

1. Wireless Law - Shared Use Requirement:

Pursuant to the Wireless Law, the Planning Board may consider a new telecommunications tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. As required by Sections 300-28(E), (F) and (G) of the Wireless Law, attached hereto and made a part hereof as Exhibit 1 is the affidavit of Omnipoint's radio frequency engineer Anand Rapolu, (hereinafter the "Rapolu Affidavit"). The Rapolu Affidavit inventories all existing tall structures and towers within a two (2) mile distance of the proposed site, and reports that despite good-faith efforts, all existing alternate structures are not viable due to the physical and technical restraints of the structures and locations.

As set forth in the Rapolu Affidavit, the available structures within the two (2) mile radius of the proposed Facility are impractical from a technical

standpoint as the sites would not remedy Omnipoint's significant gap in reliable coverage in the vicinity of the proposed Facility. The Rapolu Affidavit also demonstrates the need for the proposed Facility in order to remedy Omnipoint's significant gap in reliable coverage, and provides technical data regarding existing signal coverage.

Finally, pursuant to the requirements of Section 300-28(H) of the Wireless Law, attached hereto and made a part hereof as Exhibit 2 is a letter of intent from Omnipoint. The letter commits Omnipoint to negotiate in good faith for the shared use of the proposed tower by a reasonable number of other telecommunications providers in the future. Hence, while shared usage in the vicinity of the proposed Facility is currently impracticable, by approving the Facility the Planning Board would further the Town's objective of minimizing the number of telecommunications towers in the community by encouraging shared use of the proposed Facility.

2. Wireless Law - Site Plan Review; Submission Requirements:

Pursuant to Section 300-28(I) of the Wireless Law, the submitted site plan complies with Section 300-86 of the Zoning Code, and depicts all relevant existing and proposed structures and improvements. As required, additional supporting documentation includes a complete long EAF, attached hereto and made a part hereof as Exhibit 3. In addition, the Rapolu Affidavit outlines the proposed use and justification for the height of the proposed tower.

3. Lot size and setbacks:

The proposed Facility is located on a single 49 acre parcel with substantial setbacks, thereby sufficiently containing any feasible ice-fall or debris from tower failure, and also preserving the privacy of the adjoining properties. The monopole setback from the nearest property line is 261' feet, much greater than the required sixty (60') feet (half of the height of the proposed one hundred twenty (120') foot monopole). Additionally, all equipment and utility structures more than comply with the minimum setback requirements for the C district in which the proposed Facility is located.

4. Visual Impact Assessment, Tower design and Screening:

Upon meeting with the Planning Board to determine the appropriate viewpoints, the Applicant agrees to conduct a "balloon" test on the Site and submit photographs of a test balloon at a height of 120' taken from key viewpoints in the vicinity of the proposed Facility. The applicant further agrees to submit photographic renderings of the proposed Facility from several of these viewpoints to provide a general depiction of the Facility's overall visual impact.

The Facility will have no significant adverse visual impacts on the surrounding area for the following reasons:

First, the proposed Facility will be camouflaged by both vegetation and design in order to minimize any aesthetic impact associated with the Facility to the maximum extent possible. Specifically, the existing vegetation surrounding the Facility location will be supplemented by a six (6') foot high fence with green vinyl slats. Please note that the site is presently screened by vegetative buffers to the East and South of the Site and is set back against an existing hill towards the rear of the existing 49 acre Property. Moreover, the proposed one hundred twenty (120') foot monopole has been designed with a galvanized finish that minimizes its degree of visual impact, and is appreciated for its ability to visually blend with the sky. The proposed monopole is also designed to accommodate future shared users, thereby further limiting any additional visual impact necessitated by future communications towers in the vicinity.

Second, to further limit any impact, as certified in the Rapolu Affidavit, the proposed tower is designed at the minimum height necessary to allow Omnipoint to remedy its significant gap in reliable coverage in the vicinity of the Facility and within the Town. A Federal Airways & Airspace Summary Report, attached hereto and made a part hereof as Exhibit 4, ("FAA Report") was obtained in accordance with Federal Aviation Regulations Part 77 and the Federal Communications Commission Rules Part 17. The FAA Report found that FAA notice is not required due to the height of the Facility and that marking and lighting is not required. The FAA Report further found that the Facility will not impact flight operations at private use airports or heliports.

Third, no retail or commercial signs will be installed on the Facility whatsoever. Thus as noted above, the Facility will be effectively screened from the surrounding area by the existing and proposed fencing and vegetation, and is designed to minimize any adverse visual and aesthetic impact associated with the proposed Facility, in the C District in which it is located, or in surrounding areas.

5. Access and Parking:

Adequate emergency and service access is provided to the proposed Facility through a proposed crushed gravel access drive. Additionally, a proposed "turnaround" and parking space will provide adequate emergency and service access, and provide for the approximately once a month maintenance visits to the Facility.

6. Fencing:

Pursuant to Section 300-28(Q) of the Wireless Law, the proposed

Facility will be adequately enclosed by six (6') foot high fence. The fence will be fitted with green vinyl slats to provide additional protection and screening. A twelve (12') foot wide gate will provide suitable access for emergency purposes.

7. Safety Standards

First, the proposal will comply with the FCC Guidelines regarding health and safety, as evidenced by a report ("Pinnacle Report") from RF Emissions experts Pinnacle Telecom Group, which is attached hereto and made a part hereof as Exhibit 5. The Pinnacle Report establishes that the Facility will be in complete compliance with all applicable FCC standards. In particular, the Pinnacle Report notes that any human exposure to the electromagnetic energy from the proposed Omnipoint antennas, even under the "worst case" conditions, will be 0.0567% of the exposure limits established by the FCC as required by the Telecommunications Act of 1996.

Second, as noted above, the Facility shall be secured by a locked six (6') foot high fence to prevent public access to, climbing upon, or other trespass on the Facility. This barrier, along with the substantial Facility setbacks noted above, will also protect the public from any falling or blowing ice and other debris.

8. Intermunicipal notification for new towers:

Pursuant to Section 300-28(T) of the Wireless Law, each municipality bordering the Town, the Orange County Planning Department, and the Orange County Emergency Communications Department were notified in writing. The notifications include the location of the proposed Facility and a general description of the project. Documentation of this notification is attached hereto and made a part hereof as Exhibit 6.

B. Section 300-86 of the Zoning Code-Site Plan Review
Section 300-87 of the Zoning Code-Special Permits

1. Application Filing Requirements:

It is respectfully submitted that the proposal complies with the site plan and special permit requirements set forth in Section 300-86 and Section 300-87 of the Zoning Code. The proposal takes into consideration the public health, safety and welfare, and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular, since the proposal will comply with the general objectives set forth in Section 300-86 and Section 300-87 as follows:

Fire and police protection. All proposed structures, equipment or

material shall be readily accessible for fire and police protection from Route 32, via the existing access drive.

Harmony. The Facility will be in such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties. This is due to the proposed Facility's location in the non-residential C zoning district on the 49 acre Property. The Property is currently utilized as an orchard and is predominantly surrounded by commercial uses. In addition, the monopole is proposed at the minimum necessary height of one hundred twenty (120') feet, and will comply with all other bulk and setback requirements. Furthermore, the proposed use will not generate any type of environmental pollution, including vibration, noise, light, electrical discharges, odors, smoke, dirt, refuse or irritants, on the Property or adjacent properties or streets.

Environmental considerations. It is respectfully submitted that the proposed use will not have a significant impact on the environment, for several reasons. First, the Facility complies with all required setbacks and dimensional requirements of the Zoning Ordinance. Second, all natural features of the Site will be preserved, and in fact existing vegetative screens and landscaping will serve to buffer the Facility. Third, the Facility is unmanned and does not require water supply, waste disposal or any other public services. Moreover, drainage will not be impacted by the Facility, due to the proposed gravel surfacing around the Facility, as well as the utilization of existing access roads to service the Facility. Nor will the proposed use generate any type of environmental pollution, including vibration, noise, light, electrical discharges, odors, smoke, dirt, refuse or irritants, on the Property or adjacent properties or streets.

Moreover, the Facility will comply with the specific design requirements for site plan and special permit approval as follows:

Traffic Access. All proposed traffic accesses are adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and safe, due to the Facility's location toward the rear of the Property, which is readily accessible via an existing access drive which connects to Route 32. In addition, the Facility layout is such that any vehicular traffic to and from the Property will not be hazardous or inconvenient to, or incongruous with, any surrounding

residential district traffic nor conflict with the traffic of the neighborhood.

Circulation and Parking. Adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any person connected with or visiting the Facility, and the interior circulation system is adequate to provide safe accessibility into and within the Property. The Facility is unmanned and does not generate any additional traffic nor require additional off-street parking, with the exception of the maintenance visits of approximately once per month. There is ample off-street parking for Omnipoint's personnel to accommodate the monthly maintenance visits and a single parking space will also be provided for this purpose. Moreover, no loading areas are required or proposed in connection with the Facility. Finally, the existing interior circulation system is adequate to provide safe access into and within the Property for such monthly maintenance visits.

Landscaping and Screening. All parking and service areas on the Property will be reasonably screened during all seasons of the year from the view of adjacent residential lots and streets, due to the existing vegetation on the Property and the Facilities location towards the rear of a 49 acre lot. Finally, any existing trees over eight (8) inches in diameter will be preserved in connection with the Facility.

Character and Appearance. The character and appearance of the proposed Facility will be in general harmony with the character and appearance of the surrounding neighborhood and that of the Town of New Windsor, and will not adversely affect the general welfare of the inhabitants of the Town of New Windsor, since the Facility will be effectively camouflaged by existing vegetation, by its location towards the rear of a 49 acre lot, and the design of the Facility.

In fact, the proposal will actually enhance the surrounding area by providing improved communications to residents and businesses. Thus, only a desirable change will be produced by the grant of the special use permit.

By granting the requested use variance, the Planning Board will enable the Applicant to serve the neighborhood and benefit the entire community, by offering a wireless telecommunications alternative, which is particularly well suited for responding to accidents, natural disasters, and for reporting medical emergencies and other dangers such as potential criminal activity. Wireless phones are essential for

protecting public health, safety and welfare, particularly by providing mobile access to 911 services. This fact is conclusively documented by the most recent survey of the Cellular Telecommunications Industry Association ("CTIA"), a copy of which is attached hereto as Exhibit 7. Based upon information provided by police agencies, the CTIA survey documents that more than 72.5 million wireless calls were made to 911 or other emergency services during the year 2003 – **an average of more than 198,000 calls per day**. Since most emergency calls from wireless phones are to report accidents and other emergencies, it is clear that a gap in wireless coverage deprives a community of a vital tool to report crimes, accidents, fires, medical emergencies, and other threats to public health, safety and welfare.

Conclusion

By granting the requested approvals, the Planning Board will create a benefit not only to Omnipoint, by permitting it to comply with its mandate to provide reliable coverage, but also to the neighborhood, by providing greater efficiency to local businesses, residents and public service entities. Any potential impact on the community created by the proposal has been shown to be minimal and of no significant adverse effect.

WHEREFORE, for all of the foregoing reasons, Omnipoint respectfully requests that the Planning Board issue a negative declaration under the State Environmental Quality Review Act and grant the requested Special Use Permit and Site Plan approvals forthwith.

Dated: November 25, 2008
Tarrytown, New York

Respectfully submitted,
Douglas W. Warden, Esq.
SNYDER & SNYDER, LLP
94 White Plains Road
Tarrytown, NY 10591

PLANNING BOARD
TOWN OF NEW WINDSOR

-----X

In the matter of the Application of

OMNIPOINT COMMUNICATIONS, INC.

Affidavit

Premises: 111 Windsor Highway
New Windsor, New York
Section 9, Block 1, Lot 26

-----X

State of New Jersey)
) ss.:
County of Morris)

Anand Rapolu, being duly sworn, does depose and say:

1. I am a radio frequency engineer for Omnipoint Communications, Inc. (the "Applicant" or "Omnipoint"). As a radio frequency engineer, I am trained to identify gaps in coverage in wireless communications systems and to assess the ability of proposed antenna sites to remedy gaps in signal coverage. I have been trained and have experience and knowledge with respect to Omnipoint's wireless system and technology. I am also familiar with Omnipoint's existing and proposed facilities in and adjacent to the Town of New Windsor ("Town").

2. I respectfully submit this affidavit in support of the application by Omnipoint, for approval of a wireless communications facility ("Facility"), consisting of a 120 foot monopole with six (6) small panel antennas located thereon and related

equipment at the base thereof on property known as the Borchert Orchard, 111 Windsor Road, New Windsor, New York ("Site").

Need for the Site

3. Omnipoint is authorized by the Federal Communications Commission to build a wireless communications system that will provide wireless coverage to the Town of New Windsor ("Town"). A gap in coverage is evidenced by an inability to adequately transmit or to receive calls, or by the interruption or disconnection of calls.

4. Omnipoint currently has a significant gap in reliable wireless coverage in the vicinity of the Site. The significant gap in coverage that exists in the vicinity of the Site prevents Omnipoint from providing reliable wireless service to current and future public users of its mobile radio communications system, including police, fire, ambulance and emergency response personnel.

5. I was able to confirm Omnipoint's significant gap in wireless coverage in the vicinity of the Site through computer modeling using Enterprise Asset software.

6. Enterprise Asset software is a predictive modeling tool that identifies areas where reliable coverage will exist, and where it will not. Attached hereto as Exhibit A is an Enterprise Asset generated map depicting the coverage from

Omnipoint's existing facilities in the area surrounding the Site along with a chart identifying the location of each of Omnipoint's existing sites. Exhibit A demonstrates that there is a significant gap in Omnipoint's wireless coverage within the Town in the vicinity of the Site.

The Proposed Site Will Remedy the Gap in Service

7. Natural and manmade features, such as large buildings, hills, trees, ridge lines and mountains, all affect the way a signal travels, and can distort or obstruct radio signals. Radio signals will either bounce off, bounce back or be absorbed by these obstructions. These constraints severely limit the suitability of sites for purposes of remedying a gap in wireless coverage.

8. The Site takes into account the foregoing topographic constraints and will remedy the significant gap in Omnipoint's wireless coverage that currently exists in the vicinity of the Site. Attached hereto as Exhibit B is an Enterprise Asset generated map, which indicates Omnipoint's existing coverage and the coverage that will be provided from the proposed Facility. Exhibit B demonstrates that the Facility will remedy the significant gap in wireless coverage that exists in the vicinity of the Site.

9. In accordance with Section 300-28(I)(2) of the Town of New Windsor Zoning Code, the Facility is proposed at the minimum height necessary to remedy Omnipoint's significant gap in coverage in the vicinity of the Site. The Facility is proposed at a maximum height of 120 feet, with antennas mounted thereon at a

centerline height of approximately 117 feet. Attached hereto as Exhibit C is an Enterprise software generated map that depicts the coverage that would be provided if the antennas were mounted at a centerline height of 107 feet as opposed to antennas at the proposed centerline height of 117 feet. As demonstrated by Exhibit C, antennas mounted at 107 feet would not provide sufficient coverage to remedy Omnipoint's significant gap in coverage in the vicinity of the Site. Specifically, a reduction in height will create a gap in coverage along Windsor Highway/Rt. 32 that will result in dropped calls for customers traveling on this major thoroughfare.

Alternative Locations

10. In accordance with Sections 300-28(E), (F) and (G) of the Zoning Code, I have performed a two (2) mile survey around the area of the proposed Site, within which Omnipoint currently has a significant gap in coverage. The purpose of this survey was to determine whether there are any existing tall structures above 35 feet and existing or approved towers within the two (2) mile radius which could be utilized for the installation of the Facility. This survey discovered that there are no alternative existing tall structures within a two (2) mile radius which could be utilized for the installation of the Facility. My survey included the following locations:

11. Snake Hill Road Tower: In accordance with the request of the Town Engineer I reviewed the feasibility of locating the Facility on the existing lattice tower on Snake Hill Road ("Snake Hill Lattice Tower"). Please note that Omnipoint currently operates an existing facility on this tower which is indicated on both the chart

and coverage map at Exhibit A as NY 10494A. Exhibit A demonstrates that the Snake Hill Lattice Tower does not provide adequate coverage to eliminate the significant gap in coverage in the vicinity of the proposed Site. Please note that the "Site List" chart at Exhibit A provides a full inventory of all existing structures in the vicinity of the Site where Omnipoint presently has existing facilities.

12. Union Avenue Water Tank: In accordance with the request of the Town engineer, I also reviewed the feasibility of locating the Facility on the municipal water tank property off of Union Avenue ("Union Avenue Water Tank Property"). Attached hereto as Exhibit D is an Enterprise software generated map that demonstrates the coverage that would be provided if Omnipoint located the Facility on the existing water tank at the Union Avenue Water Tank Property. As demonstrated by Exhibit D, the Union Avenue Water Tank Property is not a feasible alternative to the proposed Facility at the Site since a facility on that water tank would not provide sufficient coverage to remedy Omnipoint's significant gap in coverage in the vicinity of the Site. Specifically, as demonstrated by Exhibit D, the coverage from the Union Avenue Water Tank Property would not cover the northern or southern portion of Route 32.

13. San Giacomo Drive Water Tank: I also reviewed the feasibility of locating a facility on the water tank located off San Giacomo Drive ("San Giacomo Drive Water Tank Property"). Attached hereto as Exhibit E is an Enterprise software generated map that demonstrates the coverage that would be provided if Omnipoint located the Facility on the existing water tank at the San Giacomo Drive Water Tank Property. As

vicinity of the Site. Specifically, as demonstrated by Exhibit E, the coverage from the Union Avenue Water Tank Property would not cover significant portions of Route 32.

14. Temple Hills Academy: I also reviewed the feasibility of locating a facility on the existing lattice tower at Temple Hills Academy (“Temple Hills Academy Tower”) on Union Avenue. Attached hereto as Exhibit F is an Enterprise Software generated map that demonstrates the coverage that would be provided if Omnipoint located the Facility at the Temple Hills Academy Tower. As demonstrated by Exhibit F, the Temple Hills Academy Tower is not a feasible alternative to the proposed Facility at the Site since it would not provide sufficient coverage to remedy Omnipoint’s significant gap in coverage in the vicinity of the Site. Specifically, as demonstrated by Exhibit F, the coverage that would result from the Temple Hills Academy Tower is too far to the west of the of Omnipoint’s significant gap in coverage in the vicinity of the Site.

15. Heritage Hill Junior High School: The sixty-five (65’) foot cupola at the Heritage Hill Junior High School (“Heritage Hill Cupola”) located on Union Avenue is also not a feasible alternative to the proposed Site. Due to its location, the Heritage Hill Cupola is not a feasible alternative because it would not remedy Omnipoint’s significant gap in coverage in the vicinity of the proposed Site. Specifically,

as demonstrated by Exhibit G, this alternative would not provide the necessary coverage along the northern portion of Route 32 or the areas to the south of the proposed Site.

16. Vails Gate School Tower: Omnipoint also reviewed the possibility of locating on the existing one hundred (120') foot lattice tower at the Vails Gate School ("Vails Gate School Tower") which is owned by the City of Newburgh School District. Due to its location, the Vails Gate School Tower is not a feasible alternative because it would not remedy Omnipoint's significant gap in coverage in the vicinity of the proposed Site. Specifically, as demonstrated by Exhibit H, this alternative would not provide the necessary coverage along the northern portion of Route 32 or the surrounding areas.

17. Police Department Tower: Omnipoint further explored the possibility of locating at the one hundred twenty (120') foot Town of New Windsor Police Department Lattice Tower ("Police Department Tower") located on Union Avenue. Due to its location, the Police Department Tower is not a feasible alternative because it would not remedy Omnipoint's significant gap in coverage in the vicinity of the proposed Site. Specifically, as demonstrated by Exhibit I, this alternative would not provide the necessary coverage along Route 32 or the surrounding areas to the east since the Police Department Tower is located too far west of Omnipoint's significant gap in coverage in the vicinity of the proposed Site.

18. Newburgh School Tower: The one hundred twenty (120') foot City of Newburgh School lattice tower ("Newburgh School Tower") located on

Clintonwood Drive is also not a feasible alternative to the proposed Site. Due to its location, the Newburgh School Tower is not a feasible alternative because it would not remedy Omnipoint's significant gap in coverage in the vicinity of the proposed Site. Specifically, as demonstrated by Exhibit J, this alternative would not provide the necessary coverage along Route 32 to connect to the coverage from Omnipoint's existing sites to the south of the proposed Site.

19. It is not feasible to locate a facility on any other existing structure as an alternative to the Facility at the Site since there are no existing structures of sufficient height to remedy Omnipoint's significant gap in coverage in the vicinity of the Site.


Conclusion

Based on the foregoing, I respectfully request that the application by Omnipoint be favorably considered and the requested approval granted forthwith.

Respectfully submitted,


ANAND RAPOLU

Sworn to before me this
21st day of November, 2008



Notary Public

Z:\SSDATA\WPDATA\SS3\RDG\voicestream\Washingtonville\10-606 - RF Affidavit.doc

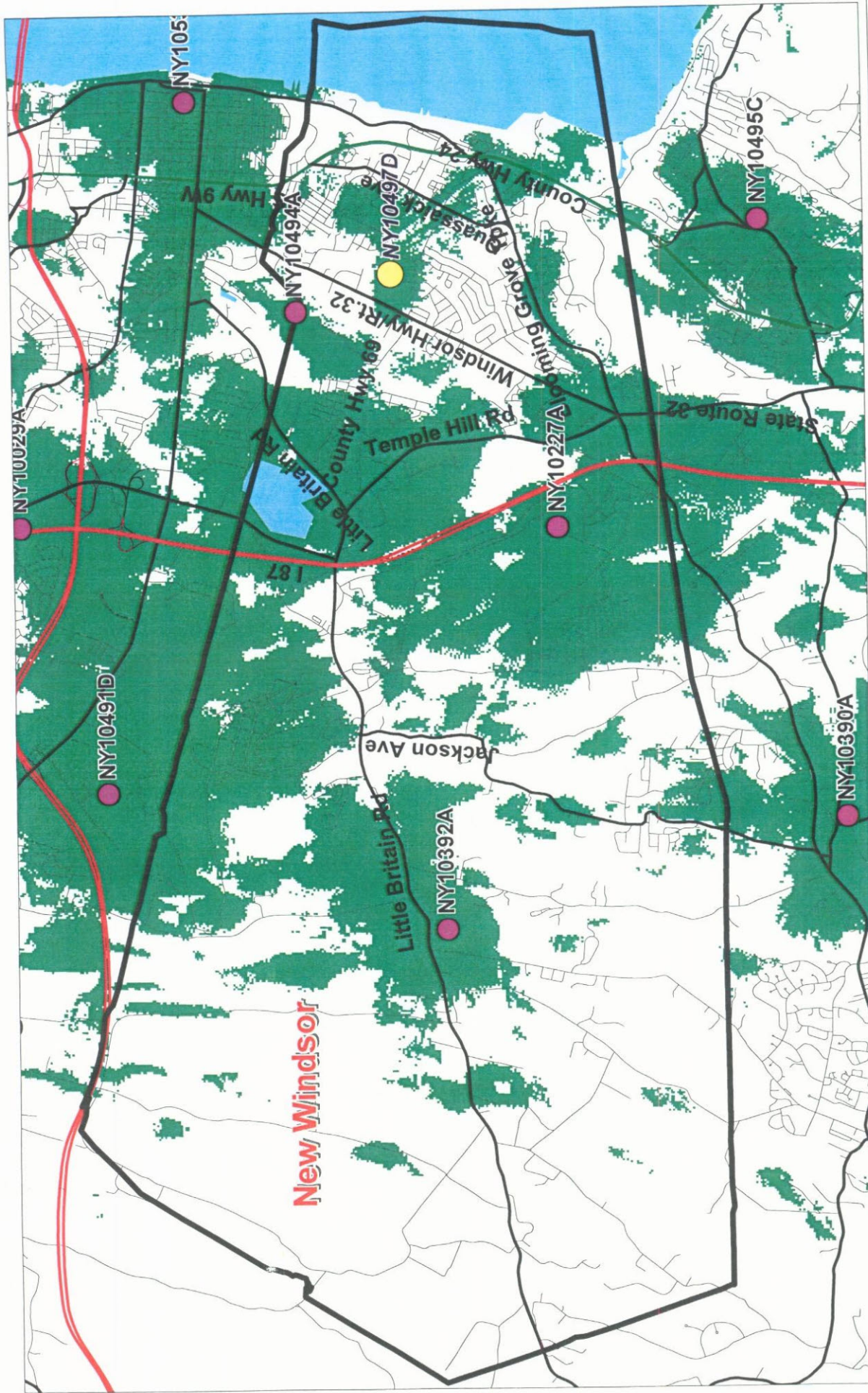
C. MARC HARRIS
Notary Public - State of New Jersey
No. 2311723
My Commission Expires Feb. 26, 2009

NY10497D Site List

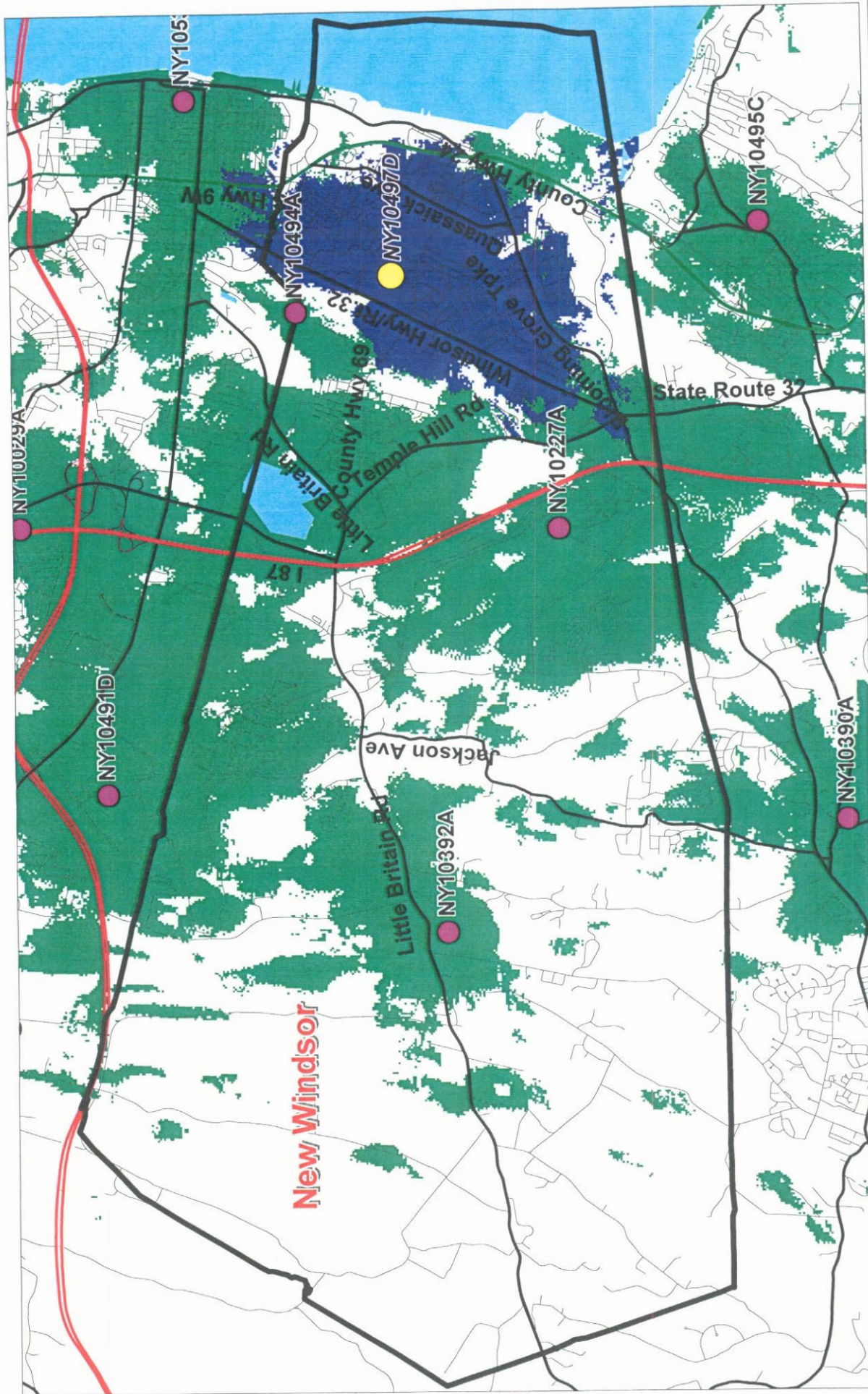
NY10494A	Crown Castle Tower	205-215 Ellis Avenue, Newburgh, NY 12550	65	Self Supporting Tower	636.48	54.68
NY10530G	90 Grand Street- Newburgh	90 Grand St, Newburgh, NY	102.25	Roof top	114.8	57.27
NY10007B	Pimms Farms_1	37 Maple Ave, Montgomery, NY	129	Monopole	428.79	55.15
NY10392A	Little_Britain	535 Toleman Rd, New Windsor, NY	140	Monopole	479	58.76
NY10227A	New Windsor	Dean Hill Rd, New Windsor, NY	115	Self Supporting Tower	482.28	55.2
NY10495C	Verizon Tower	183 Main St, Cornwall, NY	93	Monopole	249.34	55.34
NY10491D	Stewart Airport	41 Enterprise Drive, Newburgh, NY	115	Monopole	511.81	57.99
NY10029A	Newburgh	Newburgh Mall Access Drive, Newburgh, NY 12250	132	Monopole	360.89	55.82

Proposed Site	Borchert Orchard	111 Windsor Highway RT32, Newburgh, NY 12550	120	Monopole	241	55.53
NY10497D						

Alternate Sites	San Giacomo Drive Water Tank	San Giacomo Dr, New Windsor, NY	40	Water Tank	436.4	56.6
	Union Ave Water Tank	Union Ave, New Windsor, NY	60	Water Tank	364.2	56.6
	Heritage Hill Junior High School	405 Union Ave, New Windsor, NY	65	Cupola	410.1	56.67
	Vails Gate School	400 Old Forge Hill Rd, New Windsor, NY	120	Lattice Tower	282.15	56.66
	Temple Hills Academy	525 Union Ave, New Windsor, NY	120	Lattice Tower	393.7	56.66
	New Windsor Police Dept	555 Union Ave, New Windsor, NY	120	Lattice Tower	380.6	56.66
	Newburgh School	Clintonwood Drive, New Windsor, NY	120	Lattice Tower	164	56.6

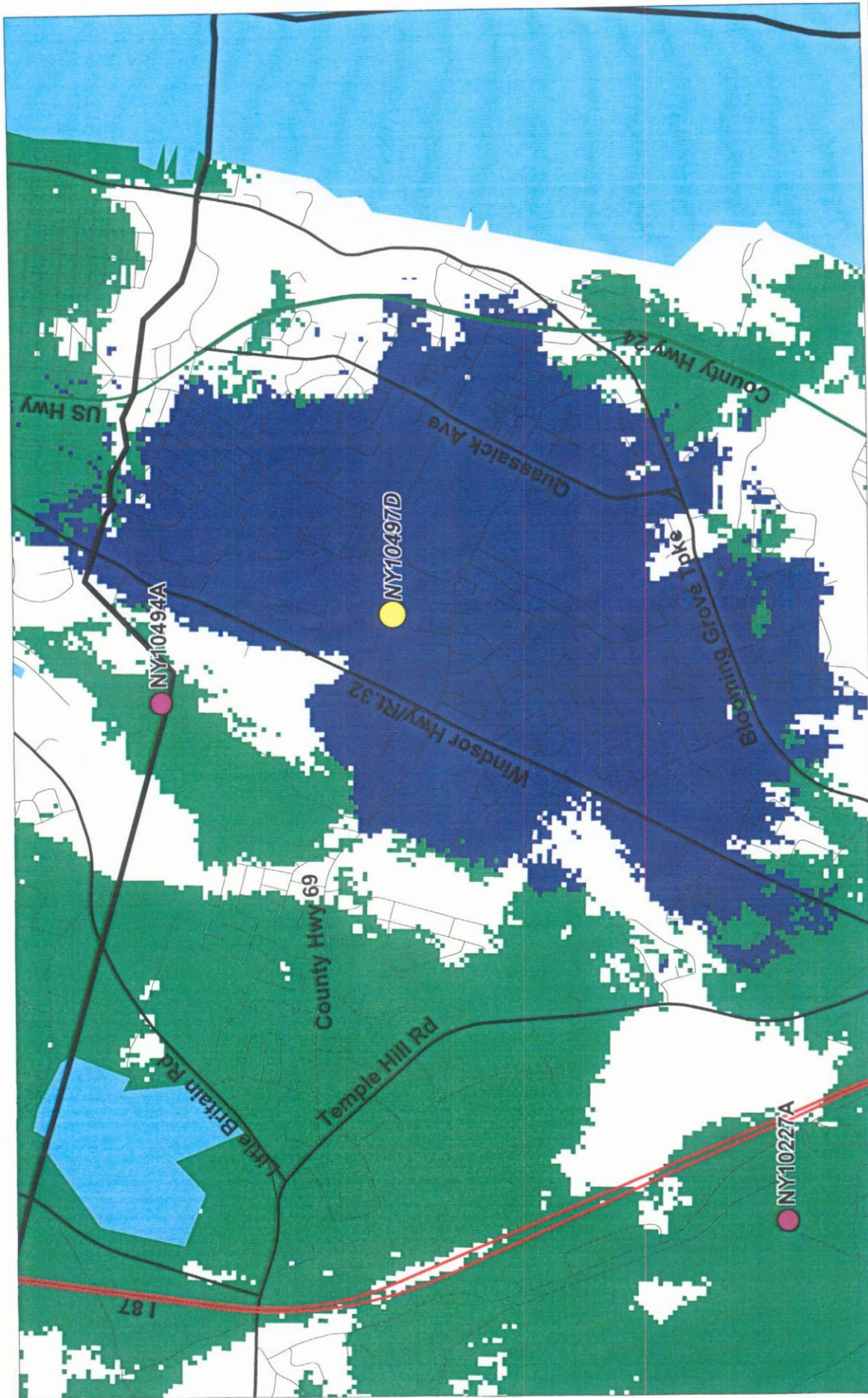


- Existing Coverage with Adjoining Municipalities
- Site ID: NY10-497D
- Site Name: Brochert Orchard New Windsor, NY
- Map Scale: 1 inch = 0.8063 miles
- Proposed Site @ 117' Rad Center
- Existing Coverage @ -84 dBm (In-Vehicle)
- Proposed Coverage @ -84 dBm (In-Vehicle)
- Town Border
- Existing On-Air Sites



- Existing Coverage with Proposed Coverage @ 117'
- Proposed Site @ 117' Rad Center
- Existing Coverage @ -84 dBm (In-Vehicle)
- Proposed Coverage @ -84 dBm (In-Vehicle)
- Town Border
- Existing On-Air Sites

Site ID: NY10-497D
 Site Name: Brochert Orchard
 New Windsor, NY
 Map Scale: 1 inch = 0.8063 miles

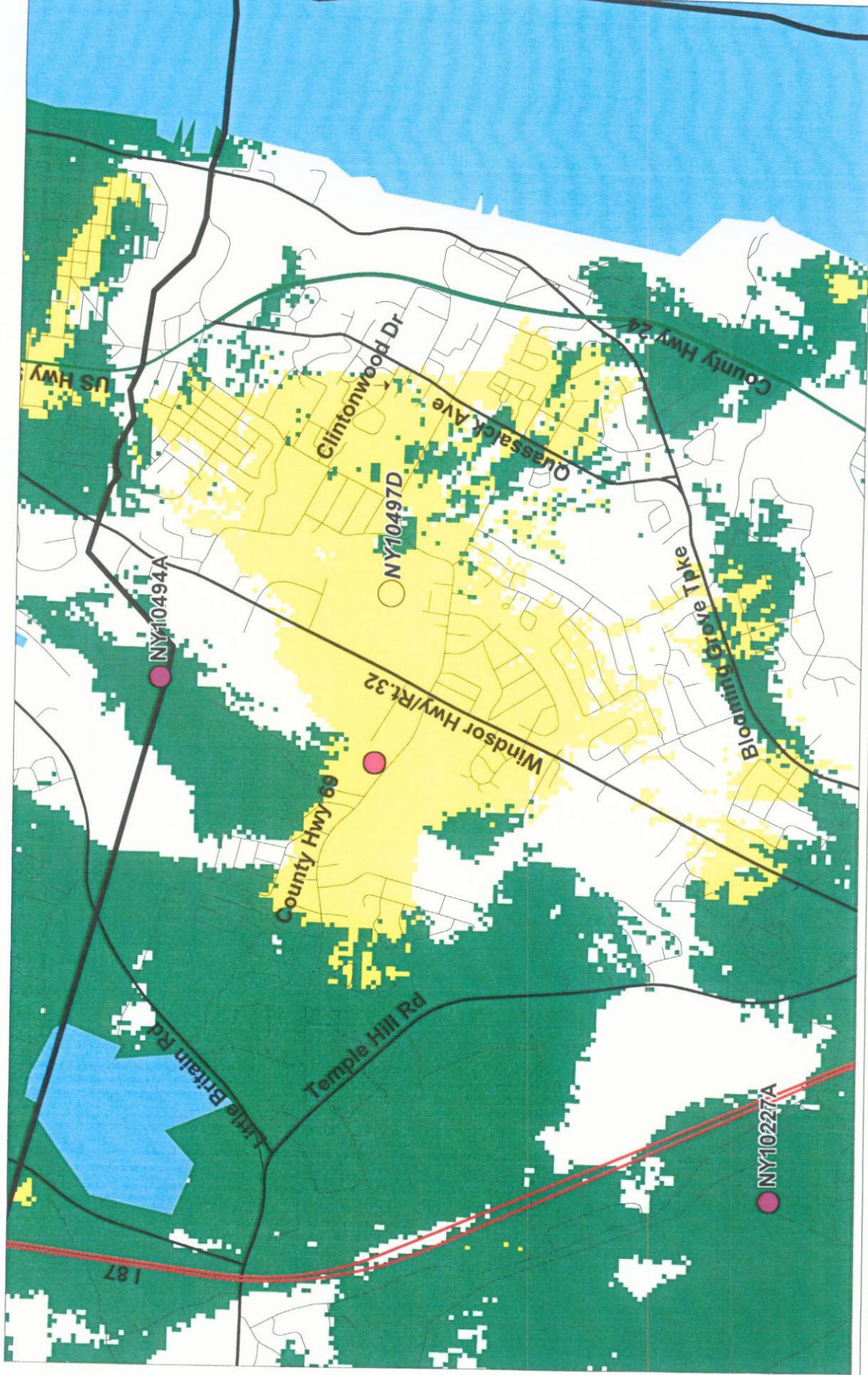


(Zoomed)
Existing Coverage with
Proposed Coverage @ 107'

Site ID: NY10-497D
Site Name: Brochert Orchard
New Windsor, NY

Map Scale: 1 inch = 0.3375 miles

- Proposed Site @ 117' Rad Center
- Existing Coverage @ -84 dBm (In-Vehicle)
- Proposed Coverage @ -84 dBm (In-Vehicle)
- Town Border
- Existing On-Air Sites

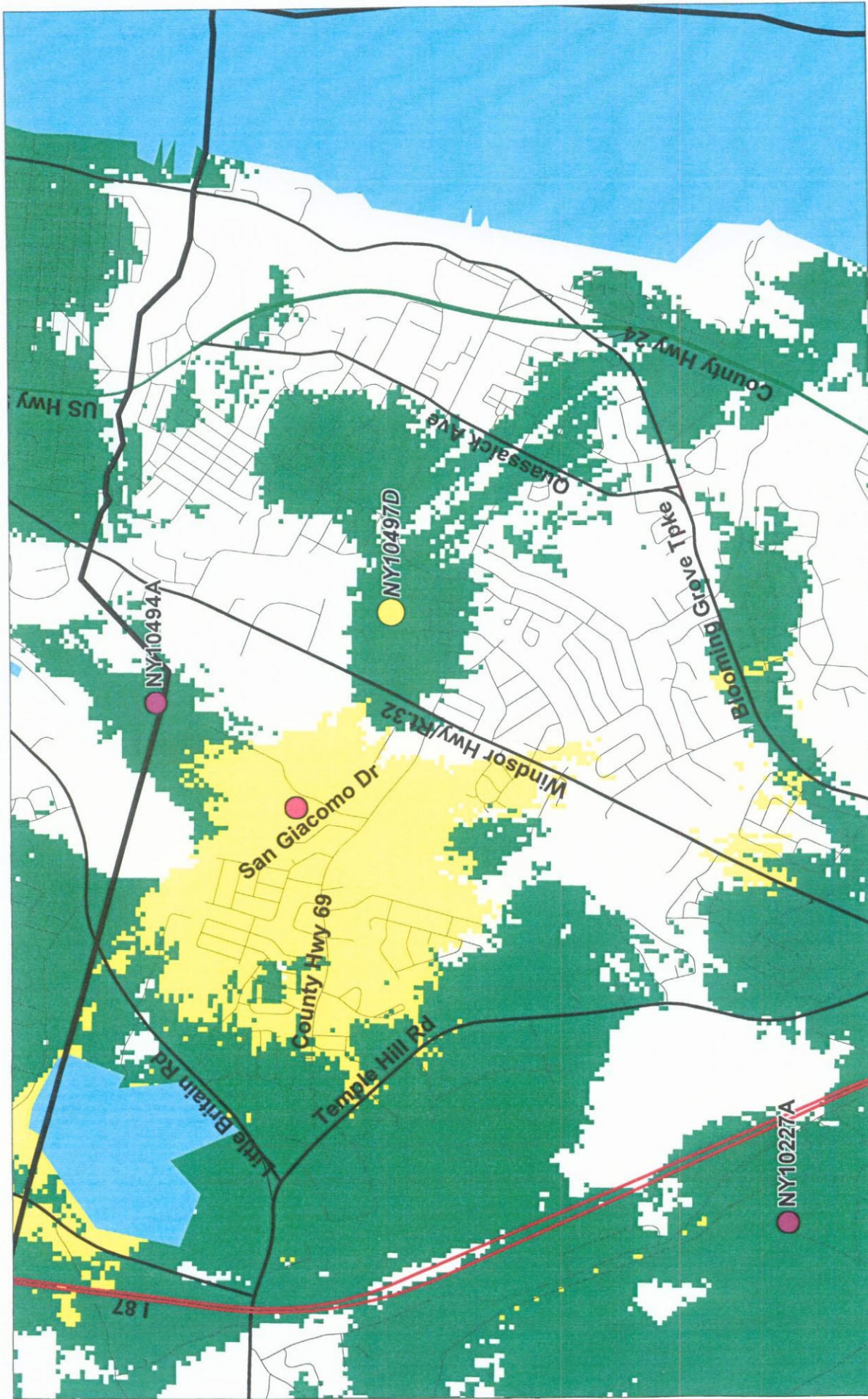


Existing Coverage with
Proposed Coverage from
Union Ave Water tank@60'

Site ID: NY10-497D
Site Name: Brochert Orchard
New Windsor, NY

Map Scale: 1 inch = 0.3375 miles

- Proposed Site @ 117' Rad Center
- Existing Coverage @ -84 dBm (In-Vehicle)
- Proposed Coverage @ -84 dBm (In-Vehicle)
- Town Border
- Existing On-Air Sites
- Alternate Site - Water Tank at Union Ave @ 60'

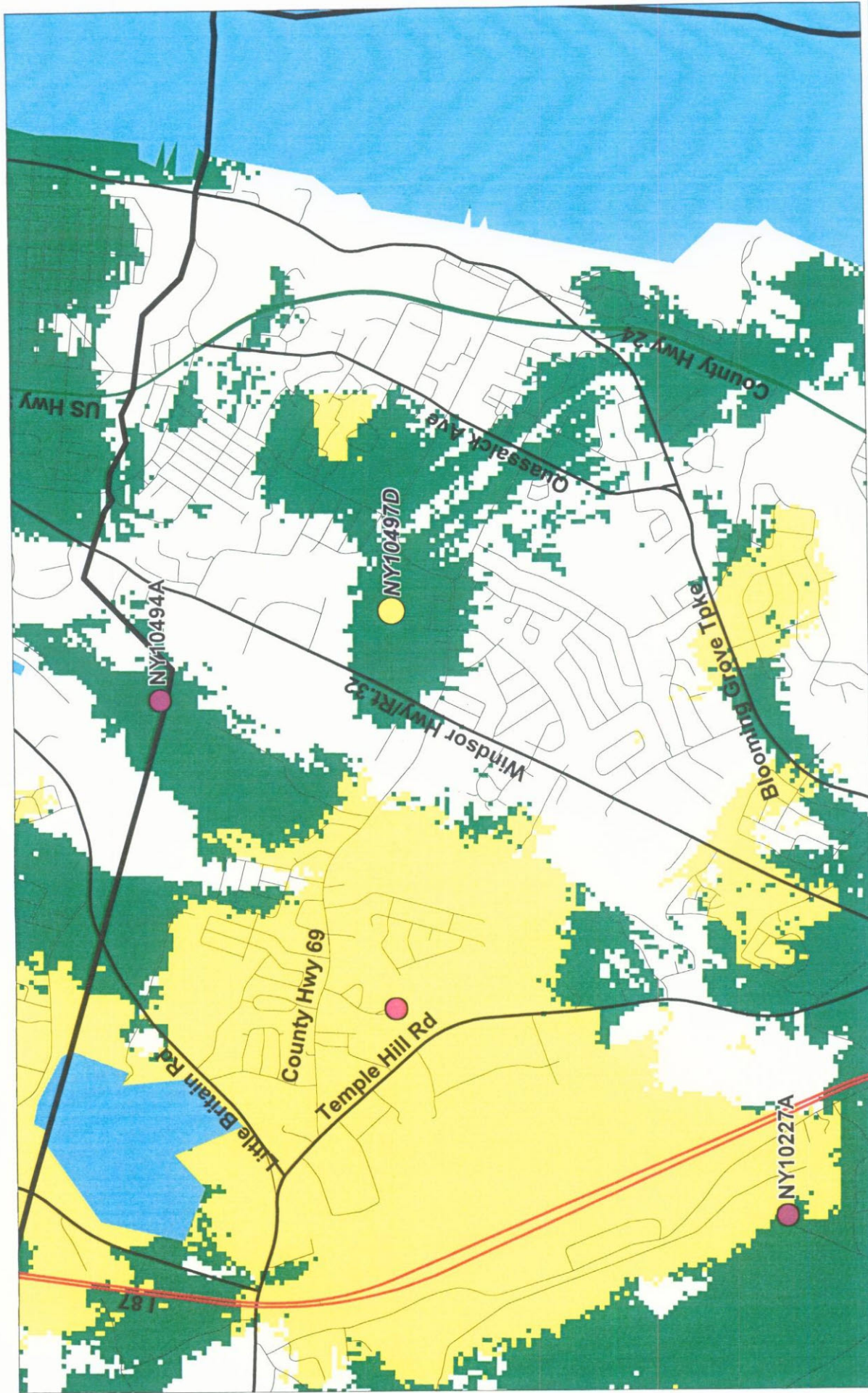


Existing Coverage with
Proposed Coverage from
San Giacomo Dr Water Tank @ 40'

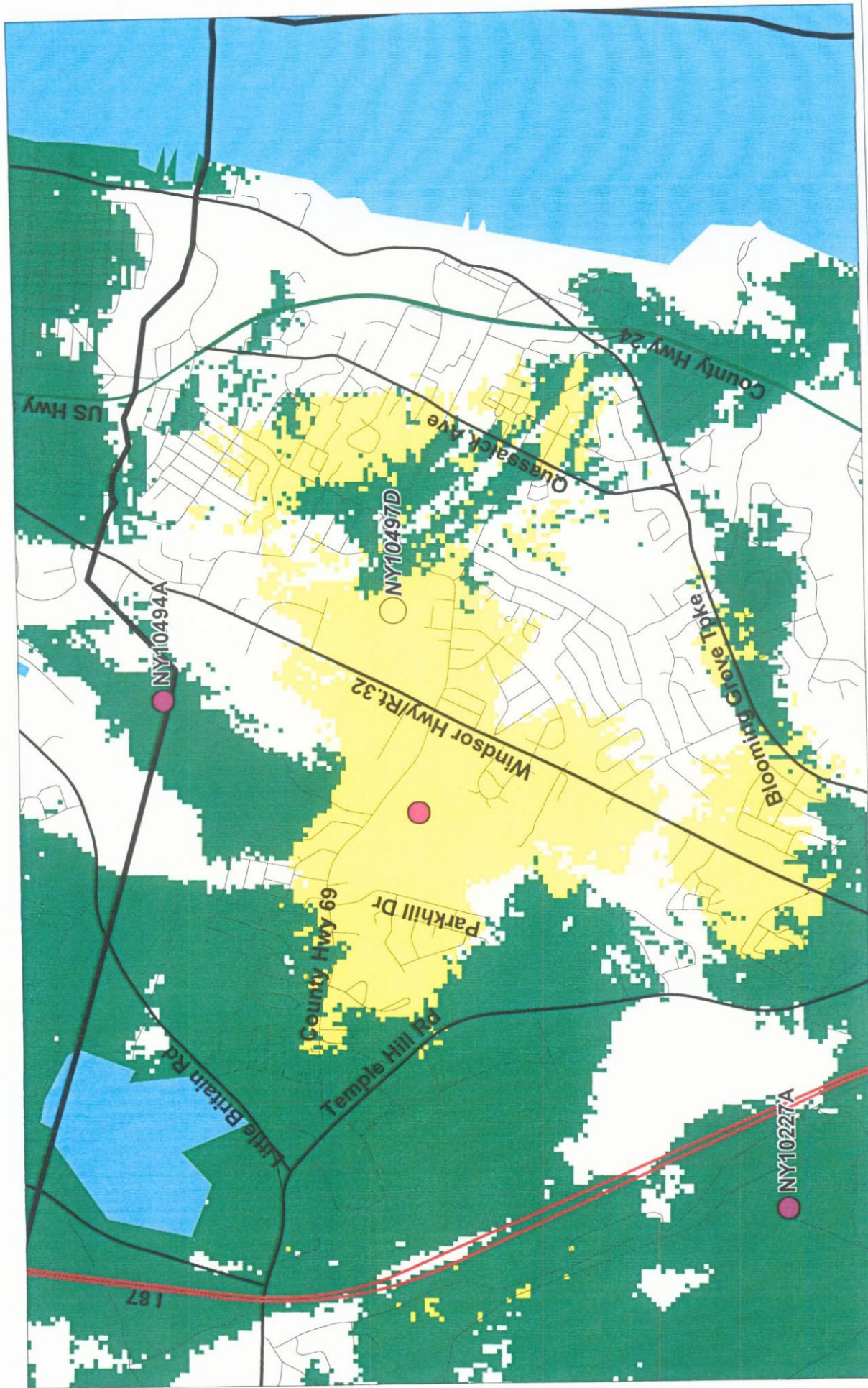
Site ID: NY10-497D
Site Name: Brochert Orchard
New Windsor, NY

Map Scale: 1 inch = 0.3375 miles

- Proposed Site @ 117' Rad Center
- Existing Coverage @ -84 dBm (In-Vehicle)
- Proposed Coverage @ -84 dBm (In-Vehicle)
- Town Border
- Existing On-Air Sites
- Alternate Site - Water Tank at San Giacomo Drive @ 40'



- Existing Coverage with
Proposed Coverage from
Temple Hills Academy @ 120'
- Site ID: NY10-497D
Site Name: Brochert Orchard
New Windsor, NY
- Map Scale: 1 inch = 0.3375 miles
- Proposed Site @ 117' Rad Center
- Existing Coverage @ -84 dBm (In-Vehicle)
- Proposed Coverage @ -84 dBm (In-Vehicle)
- Town Border
- Existing On-Air Sites
- Alternate Site - Temple Hills Academy 525 Union Ave @ 120'



Existing Coverage with
Proposed Coverage from Heritage Hill
Jr High School @ 65'

Site ID: NY10-497D
Site Name: Brochert Orchard
New Windsor, NY

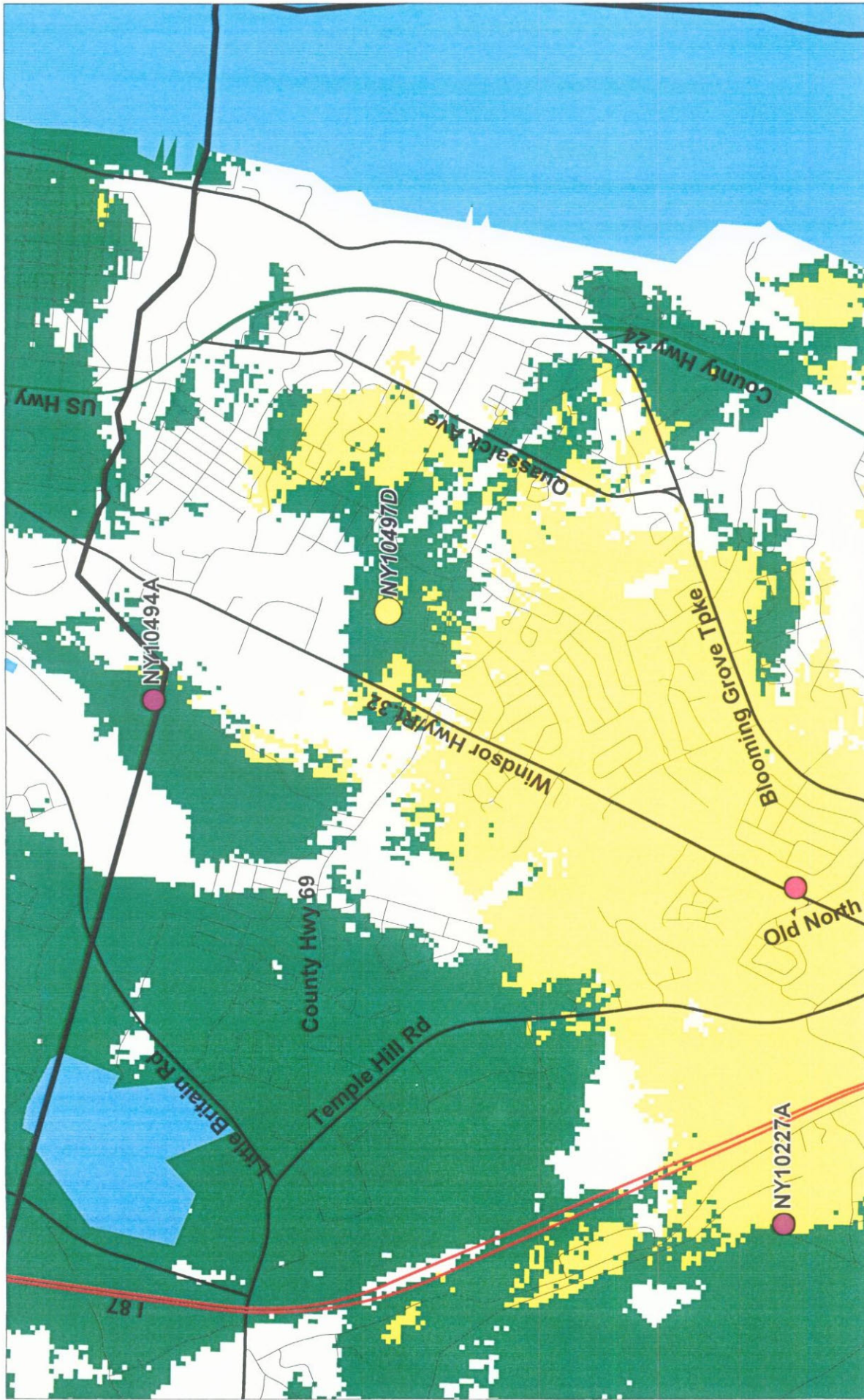
Map Scale: 1 inch = 0.3375 miles

Proposed Site @ 117' Rad Center
Existing Coverage @ -84 dBm (In-Vehicle)
Proposed Coverage @ -84 dBm (In-Vehicle)

Town Border
Existing On-Air Sites
Alternate Site - Heritage Hill Jr High School at 405 Union Ave @ 65' Cupola

OMNIPPOINT

Prepared on 11/20/2008

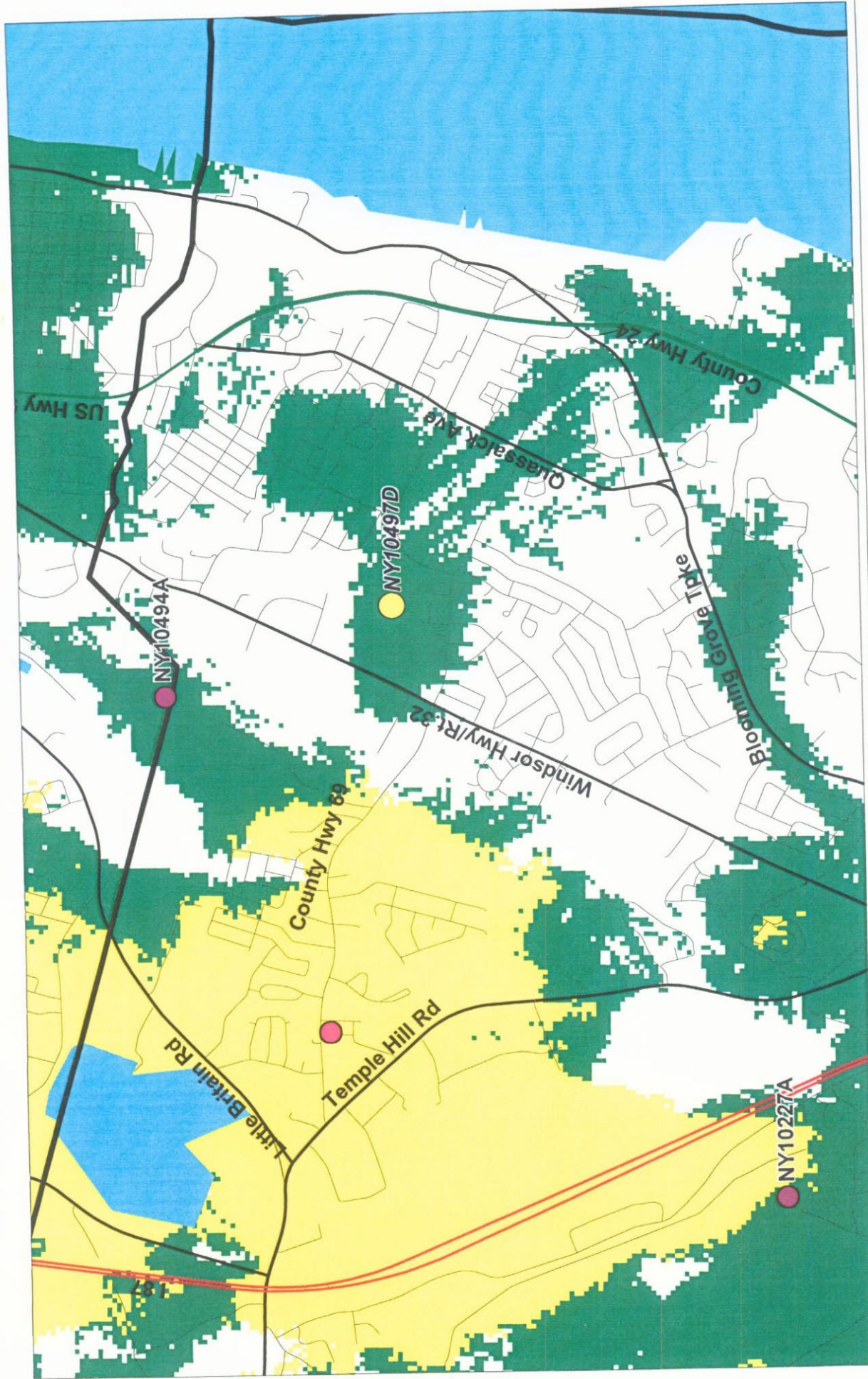


Existing Coverage with
Proposed Coverage from
Vails Gate School @ 120'

Site ID: NY10-497D
Site Name: Brochert Orchard
New Windsor, NY

Map Scale: 1 inch = 0.3375 miles

- Proposed Site @ 117' Rad Center
- Existing Coverage @ -84 dBm (In-Vehicle)
- Proposed Coverage @ -84 dBm (In-Vehicle)
- Town Border
- Existing On-Air Sites
- Alternate Site - Vails Gate School at 400 Old Forge Hill Rd @ 120'

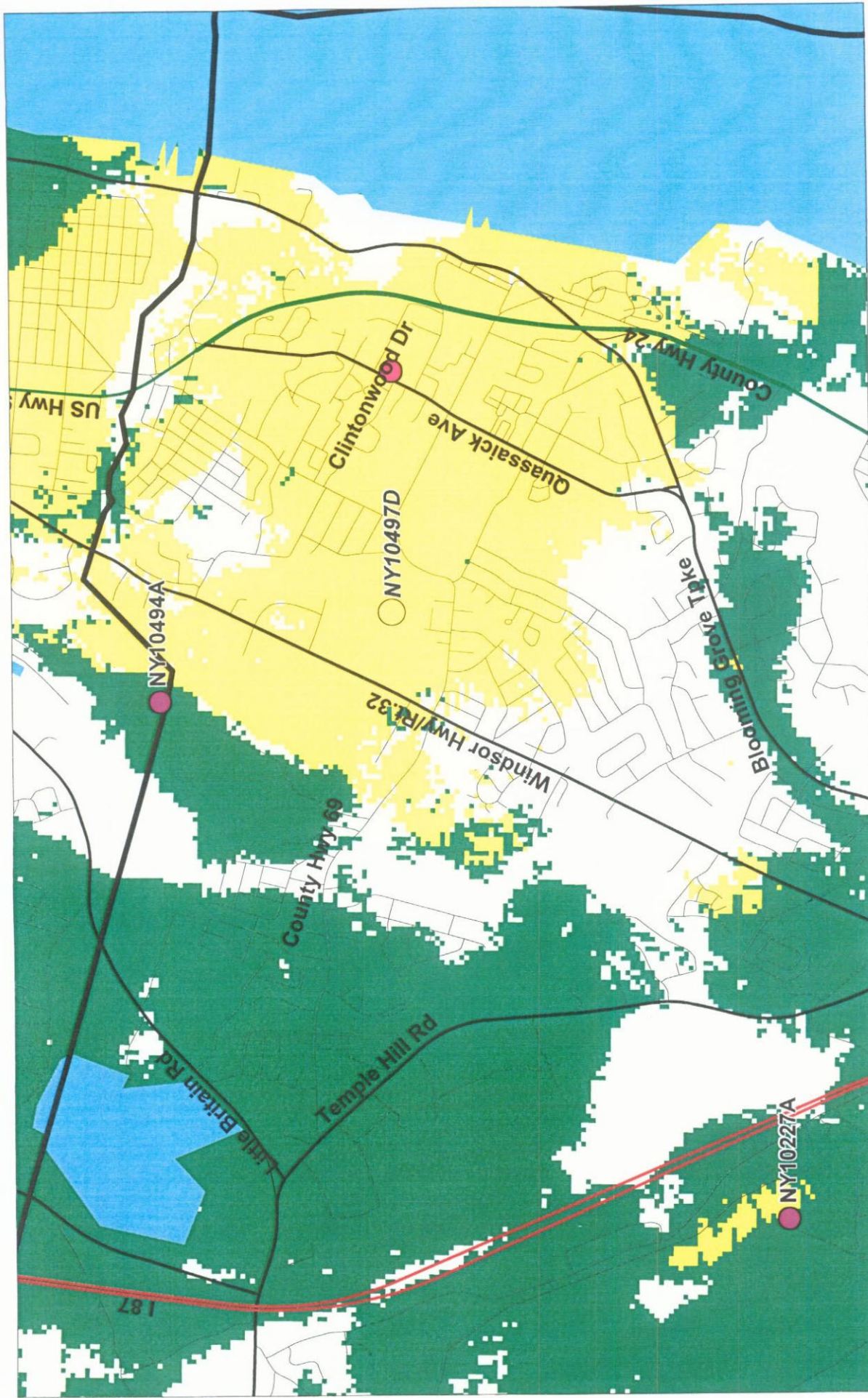


Existing Coverage with
Proposed Coverage from
New Windsor PD @ 120'

Site ID: NY10497D
Site Name: Brochert Orchard
New Windsor, NY

Map Scale: 1 inch = 0.3375 miles

- Proposed Site @ 117' Rad Center
- Existing Coverage @ -84 dBm (In-Vehicle)
- Proposed Coverage @ -84 dBm (In-Vehicle)
- Town Border
- Existing On-Air Sites
- Alternate Site - New Windsor Police Department at 555 Union Ave @ 120'



Existing Coverage with
Proposed Coverage from
Newburgh School @ 120'

Site ID: NY10-497D
Site Name: Brochert Orchard
New Windsor, NY

Map Scale: 1 inch = 0.3375 miles

- Proposed Site @ 117' Rad Center
- Existing Coverage @ -84 dBm (In-Vehicle)
- Proposed Coverage @ -84 dBm (In-Vehicle)
- Town Border
- Existing On-Air Sites
- Alternate Site - Newburgh School at Clintonwood Drive @ 120'

T-Mobile

4 Sylvan Way
Parsippany, NJ 07054
(845) 536-2427 (telephone)

June 12, 2008

Hon. Chairman Genaro Argenio
and Members of the Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: Application by Omnipoint Communications, Inc.
to construct a Public Utility Wireless Telecommunications Facility
at 111 Route 32, New Windsor, NY

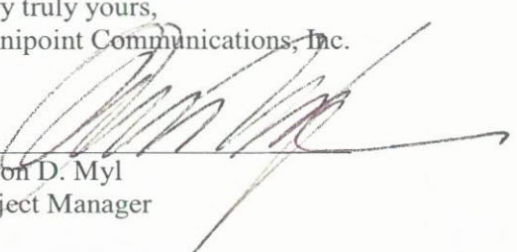
Dear Hon. Chairman and Members of the Board:

As owners of the above referenced proposed facility ("Tower") and as required under §320-28(H) of the Town of New Windsor Code, Omnipoint Communications, Inc. ("Omnipoint") hereby agrees as follows:

Omnipoint, as owner of the proposed Tower, and its successors in interest, shall negotiate in good faith for shared use of the Tower by a reasonable number of other telecommunications providers in the future. Specifically, Omnipoint and its successors in interest agree to:

1. Respond within 90 days to request for information from a potential shared-use applicant;
2. Negotiate in good faith concerning future requests for shared use of the Tower by other providers of communications; and
3. Allow shared use of the Tower if another provider of communications agrees in writing to pay reasonable charges, provided such shared use is technically, structurally and financially feasible. The charges may include, for instance, a pro-rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity and depreciation, and all of the costs of adapting the tower or equipment to accommodate shared use without causing electromagnetic interference.

Very truly yours,
Omnipoint Communications, Inc.

By: 
Aaron D. Myl
Project Manager

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:



Part 1



Part 2



Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☒ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

OMNIPOINT COMMUNICATIONS INC. FACILITY

Name of Action

TOWN OF NEW WINDSOR

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

3/27/08

Date

website

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action OMNIPOINT COMMUNICATIONS INC FACILITY

Location of Action (include Street Address, Municipality and County)

111 ROUTE 32, NEW WINDSOR, ORANGE COUNTY

Name of Applicant/Sponsor OMNIPOINT COMMUNICATIONS INC.

Address 4 Sylvan Way

City / PO Parsippany State NJ Zip Code 07054

Business Telephone (973)292-4000

Name of Owner (if different) ERNEST H ETAL BORCHERT (LIVING TRUST)

Address 297 LATTINTOWN RD.

City / PO MARLBORO State NY Zip Code 12542

Business Telephone _____

Description of Action:

THE PROJECT INVOLVES THE INSTALLATION OF THREE (3) UNMANNED EQUIPMENT CABINETS AT GRADE AND SIX (6) PANEL ANTENNAS ON A 120' MONOPOLE.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☒ Agriculture ☐ Other _____

2. Total acreage of project area: .795+/- acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>N/A</u> acres	<u>N/A</u> acres
Forested	<u>N/A</u> acres	<u>N/A</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>.695</u> acres	<u>.585</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>N/A</u> acres	<u>N/A</u> acres
Water Surface Area	<u>N/A</u> acres	<u>N/A</u> acres
Unvegetated (Rock, earth or fill)	<u>N/A</u> acres	<u>N/A</u> acres
Roads, buildings and other paved surfaces	<u>N/A</u> acres	<u>N/A</u> acres
Other (Indicate type) <u>GRAVEL SURFACE AREA</u>	<u>.1</u> acres	<u>.21</u> acres

3. What is predominant soil type(s) on project site? MdB MARDIN SILT LOAM

- a. Soil drainage: ☐ Well drained _____ % of site ☒ Moderately well drained 100 % of site.
☐ Poorly drained _____ % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock >2 (in feet)

5. Approximate percentage of proposed project site with slopes:

☒ 0-10% 100 % ☐ 10- 15% _____ % ☐ 15% or greater _____ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? >1.7 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

A LETTER RECEIVED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DATED JUNE 28, 2001.

Identify each species:

N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

N/A

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

N/A

- a. Name of Stream and name of River to which it is tributary

N/A

16. Lakes, ponds, wetland areas within or contiguous to project area:

NO NAME POND (WETLAND APPROVALS NOT NECESSARY)

- b. Size (in acres):

1.37 ACRES

17. Is the site served by existing public utilities? ☐ Yes ☒ No
- a. If YES, does sufficient capacity exist to allow connection? ☐ Yes ☐ No
- b. If YES, will improvements be necessary to allow connection? ☐ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☒ Yes ☐ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: .795 acres.
- b. Project acreage to be developed: .795 acres initially; .795 acres ultimately.
- c. Project acreage to remain undeveloped: N/A acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 0; proposed 1
- g. Maximum vehicular trips generated per hour: 1/MTH (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>N/A</u>	<u></u>	<u></u>	<u></u>
Ultimately	<u>N/A</u>	<u></u>	<u></u>	<u></u>

- i. Dimensions (in feet) of largest proposed structure: 120'-0" height; 5'-0" width; 5'-0" length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.
3. Will disturbed areas be reclaimed ☐ Yes ☒ No ☐ N/A

- a. If yes, for what intended purpose is the site being reclaimed?

N/A

- b. Will topsoil be stockpiled for reclamation? ☐ Yes ☒ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☒ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? .1 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: 1 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated N/A (number)

b. Anticipated date of commencement phase 1: N/A month N/A year, (including demolition)

c. Approximate completion date of final phase: N/A month N/A year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☒ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction 4; after project is complete 0

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

N/A

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount N/A

b. Name of water body into which effluent will be discharged N/A

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

N/A

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☐ Yes ☒ No

a. If yes, what is the amount per month? N/A tons

b. If yes, will an existing solid waste facility be used? ☐ Yes ☒ No

c. If yes, give name N/A; location N/A

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

e. If yes, explain:

N/A

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? N/A tons/month.

b. If yes, what is the anticipated site life? N/A years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

MINIMAL INCREASE IN ELECTRIC POWER (200 AMPS)

22. If water supply is from wells, indicate pumping capacity 0 gallons/minute.

23. Total anticipated water usage per day 0 gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

N/A

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SPECIAL USE PERMIT	
		SITE PLAN APPROVAL	
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

- | | | | |
|---|--|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input checked="" type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

(C) DESIGN SHOPPING

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

(R-4) SUBURBAN RESIDENTIAL
(PI) PLANNED INDUSTRIAL
(C) DESIGN SHOPPING
(R-2) OPEN SPACE RESIDENTIAL
(NC) NEIGHBORHOOD COMMERCIAL

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

- a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

N/A

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☒ No

N/A

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☒ No

N/A

D. Informational Details

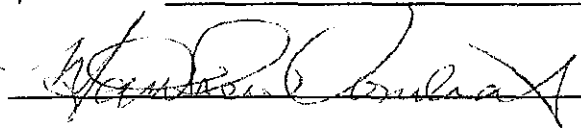
Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name TECTONIC ENGINEERING CONSULTANTS Date 3/27/08

Signature



Title CADD DESIGNER, TECTONIC ENGINEERING & CONSULTANTS

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.

The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.

The number of examples per question does not indicate the importance of each question.

In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- Maybe** answers should be considered as **Yes** answers.
- If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO ☐ YES ☒

Examples that would apply to column 2

- | | | | |
|--|-------------------------------------|--------------------------|--|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

INSTALLATION OF 120' MONOPOLE AND INSTALLATION OF EQUIPMENT CABINETS AT GRADE ON CONCRETE PAD

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

- Specific land forms: ☐ ☐ ☐ Yes ☐ No

N/A

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Developable area of site contains a protected water body. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Dredging more than 100 cubic yards of material from channel of a protected stream. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Extension of utility distribution facilities through a protected water body. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction in a designated freshwater or tidal wetland. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

N/A

4. Will Proposed Action affect any non-protected existing or new body of water?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction of a body of water that exceeds 10 acres of surface area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

N/A

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
-------------------------------------	-----------------------------------	--

5. Will Proposed Action affect surface or groundwater quality or quantity?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will require a discharge permit. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction or operation causing any contamination of a water supply system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will adversely affect groundwater. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action would use water in excess of 20,000 gallons per day. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow residential uses in areas without water and/or sewer services. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|---|-------------------------------------|-----------------------------------|--|
| • Removal of any portion of a critical or significant wildlife habitat. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|--|-------------------------------------|-----------------------------------|--|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|--|-------------------------------------|-----------------------------------|--|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

☒ NO ☐ YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

☒ NO ☐ YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

15. Will there be an effect to existing transportation systems?

☒ NO ☐ YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

☒ NO ☐ YES

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Small to
Moderate
Impact

Potential
Large
Impact

Can Impact Be
Mitigated by
Project Change

- Proposed Action will set an important precedent for future projects.

☐☐

☐ Yes ☐ No

- Proposed Action will create or eliminate employment.

☐☐

☐ Yes ☐ No

- Other impacts:

☐☐

☐ Yes ☐ No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☒ NO

☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

617.20
Appendix B
State Environmental Quality Review
VISUAL EAF ADDENDUM

This form may be used to provide additional information relating to Question 11 of Part 2 of the Full EAF.

(To be completed by Lead Agency)

Visibility	Distance Between Project and Resource (in Miles)				
	0 - ¼	¼ - ½	½ - 3	3 - 5	5 +
1. Would the project be visible from:					
! A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! A site or structure listed on the National or State Registers of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! State Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! The State Forest Preserve?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! National Wildlife Refuges and State Game Refuges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! National Natural Landmarks and other outstanding natural features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! National Park Service lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! Rivers designated as National or State Wild, Scenic or Recreational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak? Metro-North Freight lines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! A site, area, lake, reservoir or highway designated as scenic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! Municipal park, or designated open space? Ace of Diamonds Sports Complex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! County road? Rt. 32 and Rt. 94	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! State road? State Rt. 9W	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
! Local road? Union Ave. and Franklin Ave.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)					
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No			
3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?					
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which generally describe the surrounding environment.

	**1/4 mile	Within	*1 mile
Essentially undeveloped	<input type="checkbox"/>		<input type="checkbox"/>
Forested	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Agricultural	<input type="checkbox"/>		<input type="checkbox"/>
Suburban Residential	<input type="checkbox"/>		<input type="checkbox"/>
Industrial	<input type="checkbox"/>		<input type="checkbox"/>
Commerical	<input type="checkbox"/>		<input type="checkbox"/>
Urban	<input type="checkbox"/>		<input type="checkbox"/>
River, Lake, Pond No-name Irrigation pond	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Cliffs, Overlooks	<input type="checkbox"/>		<input type="checkbox"/>
Designated Open Space	<input type="checkbox"/>		<input type="checkbox"/>
Flat	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Hilly	<input type="checkbox"/>		<input type="checkbox"/>
Mountainous	<input type="checkbox"/>		<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>		<input type="checkbox"/>

NOTE: add attachments as needed

5. Are there visually similar projects within:

***1/2 mile** ☒ Yes ☐ No **1 mile** ☒ Yes ☐ No **2 miles** ☒ Yes ☐ No **3 miles** ☒ Yes ☐ No

*Distance from project site is provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is 12122?

NOTE: When user data is unavailable or unknown, use best estimate.

CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is:

FREQUENCY

Activity	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Involved in recreational activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Routine travel by residents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At a residence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At worksite	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10-14

* Federal Airways & Airspace *
* Summary Report *

File: NY10497D

Location: Newburgh, NY
Distance: 1.8 Statute Miles
Direction: 26° (true bearing)

Latitude: 41°-28'-45.80" Longitude:
074°-02'-09.17"

SITE ELEVATION AMSL.....239 ft.
STRUCTURE HEIGHT.....123 ft.
OVERALL HEIGHT AMSL.....362 ft.

NOTICE CRITERIA

FAR 77.13(a)(1): NNR (DNE 200 ft AGL)
FAR 77.13(a)(2): NNR (DNE Notice Slope)
FAR 77.13(a)(3): NNR (Not a Traverse Way)
FAR 77.13(a)(4): PNR (Circling Approach Area)
FAR 77.13(a)(4): PNR (Straight-In procedure. Possible TERPS@
impact. SWF)
FAR 77.13(a)(4): NNR (No Expected TERPS@ impact N45)
FAR 77.13(a)(5): NNR (Off Airport Construction)

Notice to the FAA is not required at the analyzed location and
height.

NR = Notice Required
NNR = Notice Not Required
PNR = Possible Notice Required

OBSTRUCTION STANDARDS

FAR 77.23(a)(1): DNE 500 ft AGL
FAR 77.23(a)(2): DNE - Airport Surface
FAR 77.25(a): DNE - Horizontal Surface
FAR 77.25(b): DNE - Conical Surface
FAR 77.25(c): DNE - Primary Surface
FAR 77.25(d): DNE - Approach Surface
FAR 77.25(e): DNE - Transitional Surface

VFR TRAFFIC PATTERN AIRSPACE FOR: SWF: STEWART INT'L

Type: AIR RD: 16214 RB: 295.6 RE: 437
FAR 77.23(a)(1): DNE
FAR 77.23(a)(2): DNE - Height Less Than 200 feet AGL.
VFR Horizontal Surface: DNE
VFR Conical Surface: DNE
VFR Approach Slope: DNE
VFR Transitional Slope: DNE

The structure is within VFR - Traffic Pattern Airspace
Climb/Descent Area.

Structures exceeding the greater of 350' AGL, 77.23(a)(2), or VFR
horizontal
and conical surfaces will receive a hazard determination from the
FAA.

Maximum AMSL of Climb/Descent Area is 841 feet.

VFR TRAFFIC PATTERN AIRSPACE FOR: N45: KOBELT

Type: AIR RD: 59232 RB: 333.64 RE: 420
 FAR 77.23(a)(1): DNE
 FAR 77.23(a)(2): Does Not Apply.
 VFR Horizontal Surface: DNE
 VFR Conical Surface: DNE
 VFR Approach Slope: DNE
 VFR Transitional Slope: DNE

TERPS DEPARTURE PROCEDURE (FAA Order 8260.3, Volume 4)

FAR 77.23(a)(3) Departure Surface Criteria (40:1)
 DNE Departure Surface

MINIMUM OBSTACLE CLEARANCE ALTITUDE (MOCA)

FAR 77.23(a)(4): DNE - No Airway Found

PRIVATE LANDING FACILITIES

FACIL				BEARING	DISTANCE
DELTA ARP					
IDENT	TYP	NAME		To FACIL	IN N.M.
ELEVATION					

-88	NY09	AIR	MIDDLE HOPE	10.22	4.985
No Impact to Near Airport Surface. Below surface height of 399 ft above ARP.					

AIR NAVIGATION ELECTRONIC FACILITIES

ANGLE	FAC IDNT	TYPE	ST AT	FREQ	VECTOR	DIST (ft)	DELTA ELEVA	ST LOCATION
-0.34	SWF	LOCALIZER	ON	0110.1	306.44	17320	-104	NY STEWART INTL
-0.51	SKU	FAN MARKER	ON	9999.9	352.00	17886	-158	NY STANWYCK
-0.51	SKU	NDB	ON	0261.	352.00	17886	-158	NY STANWYCK
-0.85	SWF	ATCT	ON		294.73	18350	-273	NY STEWART INT'L
-0.3	JKH	GLIDE SLOPE	ON	0333.6	298.07	19611	-103	NY STEWART INT'L
-0.27	SWF	GLIDE SLOPE	ON	0334.4	291.23	24491	-115	NY STEWART INT'L

FCC AM PROOF-OF-PERFORMANCE

NOT REQUIRED: Structure is not near a FCC licensed AM
 radio station Proof-of-Performance is not required.
 Please review AM Station Report for details.

Nearest AM Station: WGNV @ 3258 meters.

Airspace® Summary Version 2007.1

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PINNACLE TELECOM GROUP

Consulting and Engineering Services

ANTENNA SITE FCC RF COMPLIANCE ASSESSMENT AND REPORT

OMNIPPOINT COMMUNICATIONS

**SITE NY-10-497D
111 WINDSOR HIGHWAY
NEW WINDSOR, NY**

NOVEMBER 20, 2008

14 RIDGEDALE AVENUE, SUITE 209 • CEDAR KNOLLS, NJ 07927 • 973-451-1630

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Appendix B. FCC REFERENCES

Appendix C: FCC POSITION ON CELLULAR AND PCS TRANSMITTERS

Appendix D: EXPERT QUALIFICATIONS

INTRODUCTION AND SUMMARY

At the request of Omnipoint Communications (also known as T-Mobile USA), Pinnacle Telecom Group has performed an independent assessment of potential radiofrequency (RF) exposure related to a proposed wireless base station antenna operation involving a new monopole to be constructed at 111 Windsor Highway in New Windsor, NY. Omnipoint refers to the prospective antenna site by the code "NY-10-497D".

Omnipoint is licensed by the FCC to offer "Personal Communications Services" (PCS) using the 1900 MHz frequency band. The FCC requires all wireless operators to perform an assessment of potential human exposure to radiofrequency (RF) fields emanating from all the transmitting antennas at a site whenever antenna operations are added or modified, and to ensure compliance with the Maximum Permissible Exposure (MPE) limits in the FCC's regulations.

In this case, according to site drawings provided by Omnipoint, there are no other antennas to include in this assessment of compliance with FCC MPE limits and associated regulations. Note that FCC regulations require any future antenna collocators to specifically assess and assure continuing compliance based on an updated assessment of the RF effects of all proposed and then-existing antennas.

This report describes a mathematical analysis of potential RF exposure levels that will result from the Omnipoint antenna operation at street level around the site. The analysis employs a standard FCC formula for predicting the effects of the antennas in a very conservative manner, in order to ensure "safe-side" results and great confidence in conclusions regarding compliance with established limits for safe continuous exposure of the general public.

The results of FCC compliance analyses are most easily described when the calculated RF level is expressed simply as a percentage of the allowable FCC exposure limit. In that way, the figure 100 percent serves as the reference for compliance, and calculation results below 100 percent indicate compliance. An

equivalent way to describe the results is to relate them to a "times-below-the-limit" factor. Here, we will apply both methods.

The results of the RF compliance assessment in this case are as follows:

- The conservatively calculated maximum RF level caused by the antenna operation at any distance at street level around the site will be only 0.0569 percent (i.e., less than $6/100^{\text{ths}}$ of one percent) of the FCC's limit for acceptable, continuous exposure of the general public; in other words, even with calculations designed to significantly overstate the results versus those that will actually occur, the worst-case calculated RF level is still more than 1,760 times below the FCC compliance limit.
- The results of the calculations provide clear demonstration that the RF levels from the proposed antenna operation will satisfy all of the applicable criteria for controlling potential human exposure to RF fields, and the antenna operation will be in full compliance with the FCC regulations and limits concerning RF safety. Moreover, because of the extremely conservative methodology and assumptions applied in the calculations, RF levels actually caused by the Omnipoint antennas will be even less significant than the calculation results here indicate.

The remainder of this report provides the following:

- relevant technical data on the proposed Omnipoint antenna operation;
- a description of the applicable FCC mathematical model for calculating potential RF exposure levels, and application of the relevant technical data to that model;
- analysis of the results of the calculations against specified FCC limits for continuous exposure, and the compliance conclusion for the site.

In addition, four Appendices are included. Appendix A provides background on the FCC limits for RF exposure. Appendix B provides a list of key FCC references on RF exposure and site compliance. Appendix C provides a copy of the FCC's official position on the potential exposure from cellular and PCS

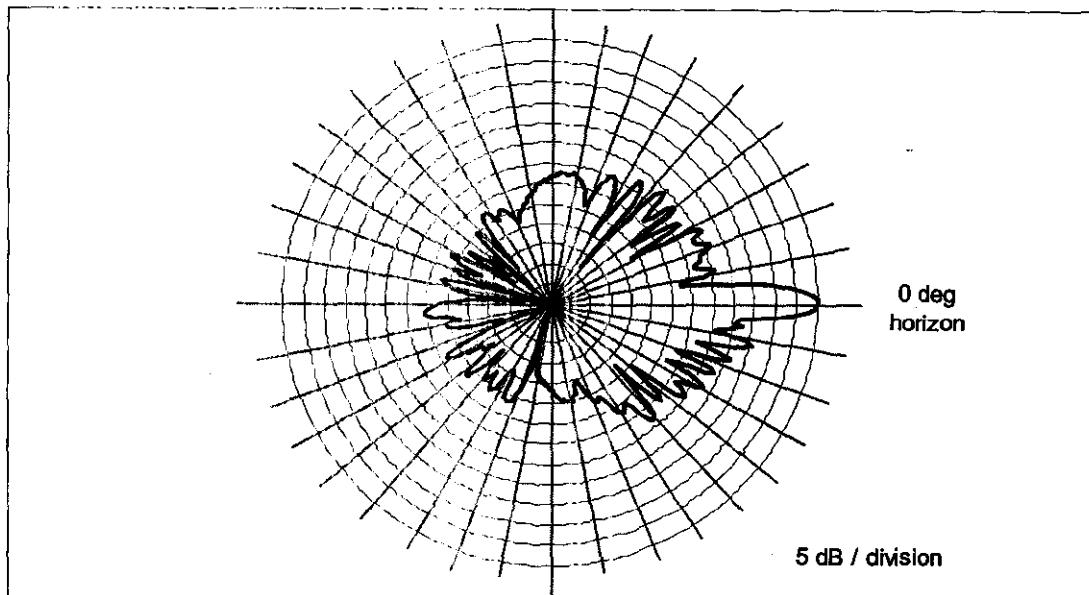
ANTENNA AND TRANSMISSION DATA

The table below summarizes the relevant technical data for the proposed Omnipoint antenna operation.

Technical Data - Omnipoint	
Frequency Band	1900 MHz PCS
Service Coverage Type	Sectorized (3 sectors, with identical compliance-related parameters)
Antenna Manufacturer / Model	RFS / APXV18-206517C (or equiv.)
Antenna Maximum Gain	19.0 dBi
Antenna Centerline Height AGL	117 ft.
RF Channels per Sector	8 (max.)
Transmitter Power / RF Channel	20 watts (max.)
Antenna Line Loss	Conservatively ignored (assumed zero)

The area below the antennas, at ground level, is of interest in terms of potential exposure of the general public, so the antenna's vertical-plane emission characteristic is used in the calculations, as it is a key determinant in the relative level of RF emissions in the "downward" direction. A diagram on the next page shows the vertical-plane pattern of the antenna model proposed here by Omnipoint. In this type of antenna pattern diagram, the antenna is effectively pointed at the three o'clock position (the horizon) and the relative strength of the pattern at different angles is described using decibel units. Note that the use of a decibel scale to describe the relative pattern at different angles actually serves to significantly understate the actual focusing effects of the antenna. Where the antenna pattern reads 20 dB the relative RF energy emitted at the corresponding downward angle is 1/100th of the maximum that occurs in the main beam (at 0 degrees); at 30 dB, the energy is only 1/1000th of the maximum.

RFS APXV18-206517C Panel Antenna – Vertical-plane Emission Pattern



Technical Analysis

FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65") provides guidelines for mathematical models to calculate potential RF exposure levels at various points around transmitting antennas.

Around an antenna site (in what is called the "far field" of the antennas), the RF levels are directly proportional to the total antenna input power and the relative antenna gain (focusing effect) in the downward direction of interest – and the levels are otherwise inversely proportional to the square of the straight-line distance to the antenna.

Conservative calculations also assume the potential RF exposure is enhanced by reflection of the RF energy from the ground. Our calculations will assume a 100% "perfect" reflection, the absolute worst-case approach.

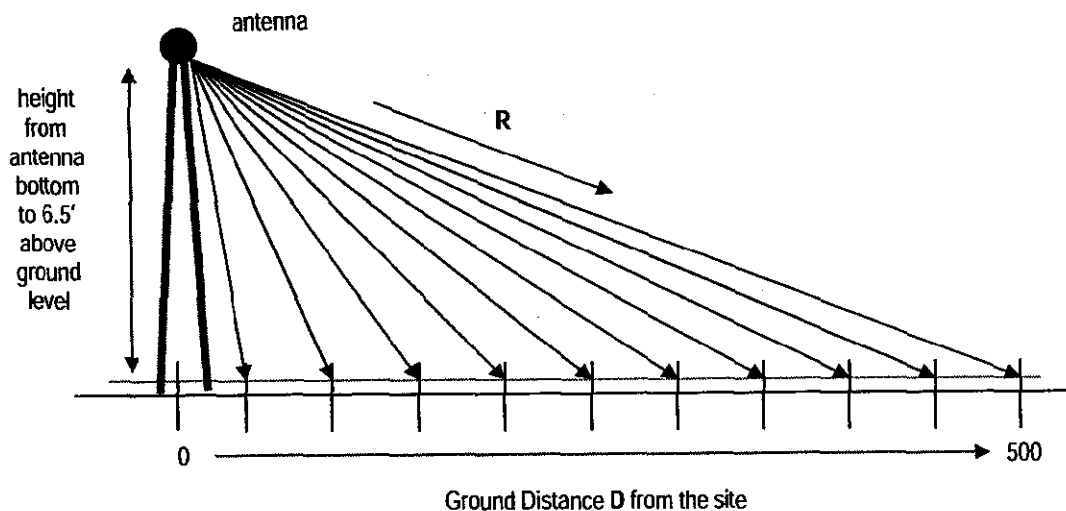
The FCC's formula for ground-level RF exposure calculations is as follows:

$$\text{MPE\%} = (100 * \text{TxPower} * 10^{(\text{Gmax}-\text{Vdisc})/10} * 4) / (\text{MPE} * 4\pi * R^2)$$

where:

MPE%	=	RF level, expressed as a percentage of the FCC MPE limit applicable to continuous exposure of the general public
100	=	factor to convert the raw result to a percentage
TxPower	=	maximum net power into antenna sector, in milliwatts, a function of the number of channels per sector, the transmitter power per channel, and line loss
$10^{(G_{\max}-V_{\text{disc}})/10}$	=	numeric equivalent of the relative antenna gain in the downward direction of interest, referenced to any applied antenna mechanical downtilt
4	=	factor to account for a 100-percent-efficient energy reflection from the ground, and the squared relationship between RF field strength and power density ($2^2 = 4$)
MPE	=	FCC general population MPE limit
R	=	straight-line distance from the RF source to the point of interest, centimeters

The MPE% calculations are performed out to a distance of 500 feet from the facility to points 6.5 feet (approximately two meters, the FCC-recommended standing height) off the ground, as illustrated in the diagram on the next page. Note that some analysts and municipalities are accustomed to seeing the calculations performed at six feet above ground level, but two meters (approximately 6.5 feet) is the FCC recommended height, and that figure will be used here for the street-level calculations.



It is commonly thought that the farther away one is from an antenna, the lower the RF level – which is generally but not universally correct. The results of MPE% calculations fairly close to the site will reflect the variations in the vertical-plane antenna pattern as well as the variation in straight-line distance to the antennas. Therefore, RF levels may actually increase slightly with increasing distance within the range of zero to 500 feet from the site. As the distance approaches 500 feet and beyond, though, the antenna pattern factor becomes less significant, the RF levels become primarily distance-controlled and, as a result, the RF levels generally decrease with increasing distance. In any case, the RF levels more than 500 feet from a wireless antenna site are well understood to be too low to cause any compliance issue.

According to the FCC, when directional antennas are used, compliance assessments are based on the RF effect of a single antenna sector.

FCC compliance is assessed in the following manner. At each distance point away from the site, an MPE% calculation is made, and compliance with the FCC regulations is then determined by comparing the results with 100 percent, which serves as the reference for the FCC MPE limit. Any calculated MPE% result exceeding 100 percent is, by definition, higher than the limit and represent non-

compliance and a need to take action to mitigate the RF levels. If all results are below 100 percent, that indicates compliance with the federal regulations on controlling exposure.

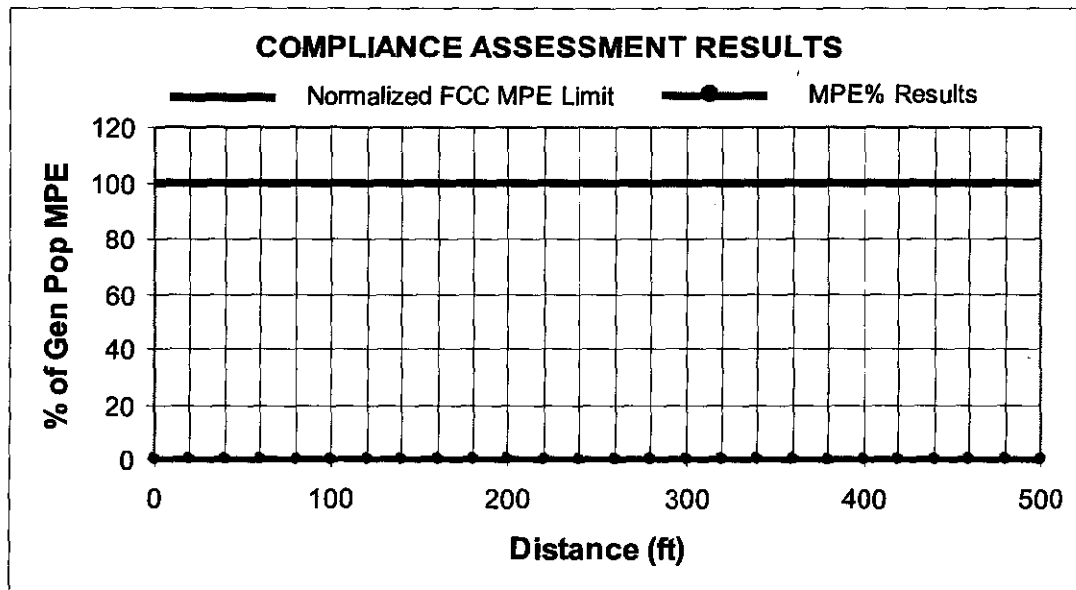
Note that the following conservative methodology and assumptions are incorporated into the MPE% calculations on a general basis:

1. The antennas are assumed to be operating continuously at maximum power, and the power-attenuation effects of the antenna cabling ("antenna line loss") will be ignored.
2. The directional antennas are hypothetically assumed to be pointed directly overhead any and all points of interest at ground level, ignoring the effects of antenna discrimination in the horizontal plane.
3. The power-attenuation effects of any shadowing or visual obstruction to a line-of-sight path from the antennas to the points of interest at ground level are ignored.
4. The calculations intentionally minimize the distance factor (R) by assuming a 6'6" human and performing the calculations from the bottom (rather than the centerline) of the antenna.
5. The potential RF exposure at ground level is assumed to be 100-percent enhanced (increased) via a "perfect" field reflection from the ground itself.

The net result of these assumptions is to intentionally and significantly overstate the calculated RF exposure levels relative to the levels that will actually occur – and the purpose of this conservatism is to allow very "safe-side" conclusions about compliance.

The table on the next page provides the results of the MPE% calculations at street level at distance points out to 500 feet from the site, with the worst-case result highlighted in bold. As indicated, the worst-case result – conservatively calculated – is only 0.0569 percent of the FCC limit. A graph of the calculation results, shown on the next page below the table, provides probably a clearer visual illustration of the relative insignificance of the calculated RF levels. The MPE% results line shows a comfortable margin to the FCC MPE limit.

Ground Distance (ft)	Omnipoint MPE%
0	0.0015
20	0.0035
40	0.0017
60	0.0081
80	0.0090
100	0.0351
120	0.0221
140	0.0067
160	0.0245
180	0.0394
200	0.0414
220	0.0036
240	0.0315
260	0.0282
280	0.0034
300	0.0236
320	0.0470
340	0.0431
360	0.0138
380	0.0050
400	0.0045
420	0.0111
440	0.0443
460	0.0408
480	0.0569
500	0.0526



comfortably below the FCC limit for safe, continuous human exposure to RF fields.

The calculated maximum RF level from the proposed antenna operation at street level around the site is only 0.0569 percent (that is, less than 6/100^{ths} of one percent) of the FCC limit.

In other words, even with an extremely conservative analysis intended to overstate the results, the calculated worst-case RF level is still more than 1,760 times below the FCC limit.

The results of the calculations indicate clear compliance with the FCC regulations and, as such, the emissions from the antenna represent no health risk to anyone in the community.

Moreover, because of the extremely conservative assumptions and calculation methodology, RF levels actually caused by the antennas will be even less significant than the calculation results here indicate.

CERTIFICATION

It is the policy of Pinnacle Telecom Group that all FCC RF compliance assessments are reviewed, approved, and signed by the firm's Chief Technical Officer, who certifies as follows:

1. I have read and fully understand the FCC regulations concerning RF safety and the control of human exposure to RF fields (47 CFR 1.1301 *et seq*)
2. To the best of my knowledge, the statements and information disclosed in this report are true, complete and accurate.
3. The analysis of site RF compliance provided herein is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.
4. The results of the analysis indicate that the subject antenna site is in full compliance with the FCC regulations concerning RF exposure.



Daniel J. Collins

Chief Technical Officer
Pinnacle Telecom Group, LLC

11/20/08

Date

Appendix A: The FCC RF Exposure Limits

As directed by the Telecommunications Act of 1996, the FCC has established limits for maximum continuous human exposure to RF fields.

The FCC maximum permissible exposure (MPE) limits represent the consensus of federal agencies and independent experts responsible for RF safety matters. Those agencies include the National Council on Radiation Protection and Measurements (NCRP), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the American National Standards Institute (ANSI), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA). In formulating its guidelines, the FCC also considered input from the public and technical community – notably the Institute of Electrical and Electronics Engineers (IEEE).

The FCC's RF exposure guidelines are incorporated in Section 1.301 *et seq* of its Rules and Regulations (47 CFR 1.1301-1.1310). Those guidelines specify MPE limits for both occupational and general population exposure.

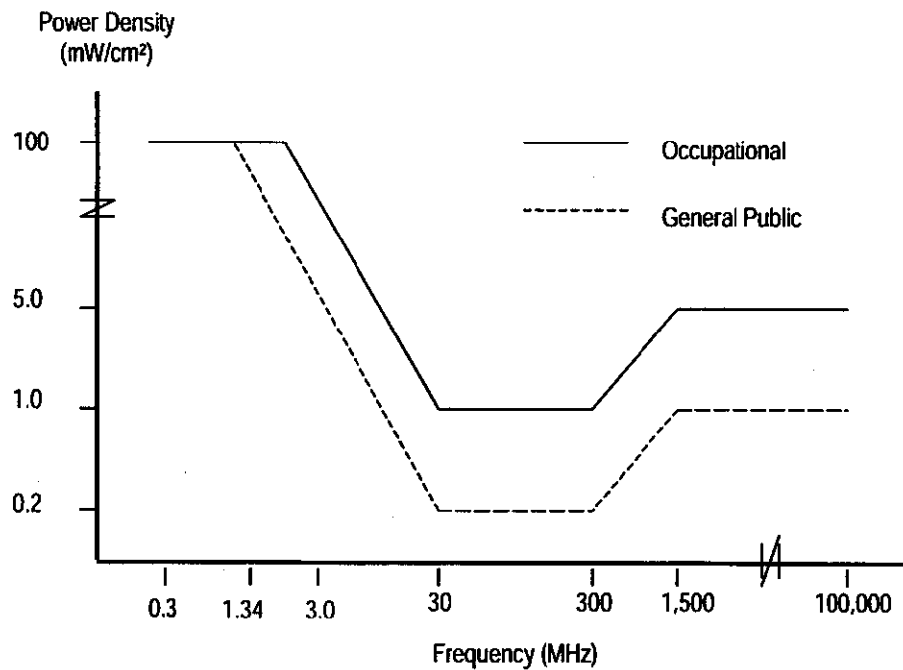
The specified continuous exposure MPE limits are based on known variation of human body susceptibility in different frequency ranges, and a Specific Absorption Rate (SAR) of 4 watts per kilogram, which is universally considered to accurately represent human capacity to dissipate incident RF energy (in the form of heat). The occupational MPE guidelines incorporate a safety factor of 10 or greater with respect to RF levels known to represent a health hazard, and an additional safety factor of five is applied to the MPE limits for general population exposure. Thus, the general population MPE limit has a built-in safety factor of more than 50. The limits were constructed to appropriately protect humans of both sexes and all ages and sizes and under all conditions – and continuous exposure at levels equal to or below the applicable MPE limits is considered to result in no adverse health effects or even health risk.

The reason for two tiers of MPE limits is based on an understanding and assumption that members of the general public are unlikely to have had appropriate RF safety training and may not be aware of the exposures they receive; occupational exposure in controlled environments, on the other hand, is assumed to involve individuals who have had such training, are aware of the exposures, and know how to maintain a safe personal work environment.

The FCC's RF exposure limits are expressed in two equivalent forms, using alternative units of field strength (expressed in volts per meter, or V/m), and power density (expressed in milliwatts per square centimeter, or mW/cm²). The table on the next page lists the FCC limits for both occupational and general population exposures, using the mW/cm² reference, for the different radio frequency ranges.

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm ²)	General Public Exposure (mW/cm ²)
0.3 - 1.34	100	100
1.34 - 3.0	100	$180 / F^2$
3.0 - 30	$900 / F^2$	$180 / F^2$
30 - 300	1.0	0.2
300 - 1,500	$F / 300$	$F / 1500$
1,500 - 100,000	5.0	1.0

The diagram below provides a graphical illustration of both the FCC's occupational and general population MPE limits.



Because the FCC's RF exposure limits are frequency-shaped, the exact MPE limits applicable to the instant situation depend on the frequency range used by the systems of interest.

The most appropriate method of determining RF compliance is to calculate the RF power density attributable to a particular system and compare that to the MPE limit applicable to the operating frequency in question. The result is usually expressed as a percentage of the MPE limit.

For potential exposure from multiple systems, the respective percentages of the MPE limits are added, and the total percentage compared to 100 (percent of the limit). If the result is less than 100, the total exposure is in compliance; if it is more than 100, exposure mitigation measures are necessary to achieve compliance.

47 CFR, FCC Rules and Regulations, Part 22 (Public Mobile Services).

47 CFR, FCC Rules and Regulations, Part 24 (Personal Communications Services).

FCC Second Memorandum Opinion and Order and Notice of Proposed Rulemaking (FCC 97-303), *In the Matter of Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 (WT Docket 97-192)*, *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket 93-62)*, and *Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commission's Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities*, released August 25, 1997.

FCC First Memorandum Opinion and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released December 24, 1996.

FCC Report and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released August 1, 1996.

FCC Office of Engineering and Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", Edition 97-01, August 1997.

FCC Office of Engineering and Technology (OET) Bulletin 56, "Questions and Answers About Biological Effects and Potential Hazards of RF Radiation", edition 4, August 1999.

Appendix C: FCC Position on Cellular and PCS Transmitters

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF ENGINEERING & TECHNOLOGY
WASHINGTON, D.C. 20554

January 1998

**INFORMATION ON HUMAN EXPOSURE TO RADIOFREQUENCY FIELDS
FROM CELLULAR AND PCS RADIO TRANSMITTERS**

(1) Cellular and PCS base stations

Radio frequencies constitute part of the overall electromagnetic spectrum. Cellular communications systems use frequencies in the 800-900 megahertz (MHz) portion of the radiofrequency (RF) spectrum (frequencies formerly used for UHF-TV broadcasting), and transmitters in the Personal Communications Service (PCS) use frequencies in the range of 1850-1990 MHz. Primary antennas for cellular and PCS transmissions are usually located on towers, water tanks and other elevated structures including rooftops and the sides of buildings. The combination of antennas and associated electronic equipment is referred to as a cellular or PCS base station" or "cell site." Typical heights for base station towers or structures are 50-200 feet. A typical cellular base station may utilize several "omni-directional" antennas that look like poles or whips, 10 to 15 feet in length. PCS (and also many cellular) base stations use a number of "sector" antennas that look like rectangular panels. The dimensions of a sector antenna are typically 1 foot by 4 feet. Antennas are usually arranged in three groups of three with one antenna in each group used to transmit signals to mobile units (car phones or hand-held phones). The other two antennas in each group are used to receive signals from mobile units.

The Federal Communications Commission (FCC) authorizes cellular and PCS carriers in various service areas around the country. At a cell site, the total RF power that could be transmitted from each transmitting antenna at a cell site depends on the number of radio channels (transmitters) that have been authorized and the power of each transmitter. Typically, for a cellular base station, a maximum of 21 channels per sector (depending on the system) could be used. Thus, for a typical cell site utilizing sector antennas, each of the three transmitting antennas could be connected to up to 21 transmitters for a total of 63 transmitters per site. When omni-directional antennas are used, up to 96 transmitters could be implemented at a cell site, but this would be very unusual. While a typical base station could have as many as 63 transmitters, not all of the transmitters would be expected to operate simultaneously thus reducing overall emission levels. For the case of PCS base stations, fewer transmitters are normally required due to the relatively greater number of base stations.

Although the FCC permits an **effective radiated power (ERP)** of up to 500 watts per channel (depending on the tower height), the majority of cellular base stations in urban and suburban areas operate at an ERP of 100 watts per channel or less. An ERP of 100 watts corresponds to an **actual** radiated power of 5-10 watts, depending on the type of antenna used (ERP is not equivalent to the power that is radiated but is a measure of the directional

characteristics of the antenna). As the capacity of a system is expanded by dividing cells, i.e., adding additional base stations, lower ERPs are normally used. In urban areas, an ERP of 10 watts per channel (corresponding to a radiated power of 0.5 - 1 watt) or less is commonly used. For PCS base stations, even lower radiated power levels are normally used. The signal from a cellular or PCS base station antenna is essentially directed toward the horizon in a relatively narrow beam in the vertical plane. For example, the radiation pattern for an omni-directional antenna might be compared to a thin doughnut or pancake centered around the antenna while the pattern for a sector antenna is fan-shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter decreases rapidly (according to an inverse square law) as one moves away from the antenna. Consequently, normal ground-level exposure is much less than exposures that might be encountered if one were very close to the antenna and in its main transmitted beam. Measurements made near typical cellular and PCS installations have shown that ground-level power densities are well below limits recommended by RF/microwave safety standards.

In 1996, the FCC adopted updated guidelines for evaluating human exposure to radiofrequency (RF) fields from fixed transmitting antennas such as those used for cellular radio and PCS base stations.¹ The new guidelines for cellular and PCS base stations are identical to those recommended by the National Council on Radiation Protection and Measurements (NCRP).² These guidelines are also similar to the 1992 guidelines recommended by the American National Standards Institute and the Institute of Electrical and Electronics Engineers (ANSI/IEEE C95.1-1992).³ The FCC adopted guidelines for hand-held RF devices, such as cellular and PCS phones, that are the same as those recommended by the ANSI/IEEE and NCRP guidelines (see later discussion).

1 FCC *Report and Order* in ET Docket 93-62, 61 Federal Register 41006 (August 7, 1996); 11 FCC Record 15123 (1997). See also, FCC *Second Memorandum Opinion and Order*, ET Docket 93-62, 62 Federal Register 47960 (September 12, 1997), 12 FCC Record 13494 (1997). For more information on these documents contact the FCC's toll-free number: 1-888-CALL FCC (1-888-225-5322). They may also be viewed and downloaded at the FCC's Office of Engineering and Technology World Wide Web Site under the "RF Safety" heading at the following address: www.fcc.gov/oet/rfsafety. The FCC's RF exposure guidelines are based on recommendations made to the FCC by U.S. federal safety and health agencies such as the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA).

2 The NCRP is a non-profit corporation chartered by congress to develop information and recommendations concerning radiation protection.

3 The American National Standards Institute is a non-profit, privately-funded, membership organization that coordinates development of voluntary national standards in the United States. The IEEE is a non-profit technical and professional engineering society.

In the case of cellular base station transmitters, at a frequency of 869 MHz (the lowest frequency used), the FCC's RF exposure guidelines recommend a maximum permissible exposure level of the general public (or exposure in "uncontrolled" environments) of about 580 microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$), as averaged over any thirty-minute period. This limit is many times greater than RF levels typical found near the base of typical cellular towers or in the vicinity of other, lower-powered cellular base station transmitters. For example, measurement data obtained from various sources have consistently indicated that "worst-case" ground-level power densities near typical cellular towers are on the order of 1 $\mu\text{W}/\text{cm}^2$ or less (usually significantly less). Calculations corresponding to a "worst-case" situation (all transmitters operating simultaneously and continuously at the maximum licensed power) show that in order to be exposed to levels near the FCC's limits for cellular frequencies, an individual would essentially have to remain in the main transmitting beam (at the height of the antenna) and within a few feet from the antenna. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of these guidelines from cellular base station transmitters.

For PCS base station transmitters, the same type of analysis holds, except that at the PCS transmitting frequencies (1850-1990 MHz) the FCC's exposure limits for the public are 1000 $\mu\text{W}/\text{cm}^2$. Therefore, there would typically be an even greater margin of safety between actual public exposure levels and the recognized safety limit.

When cellular and PCS antennas are mounted at rooftop locations it is possible that RF levels greater than 1 $\mu\text{W}/\text{cm}^2$ could be present on the rooftop itself. This might become an issue if the rooftop were accessible to maintenance personnel or others. However, exposures approaching or exceeding the safety guidelines are only likely to be encountered very close to and directly in front of the antennas. Even if RF levels were to be higher than desirable on a rooftop, appropriate restrictions could be placed on access. Factoring in the time-averaging aspects of safety standards could also be used to reduce potential exposure. The fact that rooftop cellular and PCS antennas usually operate at lower power levels than antennas on freestanding towers makes excessive exposure conditions on rooftops even less likely. This reason and the significant signal attenuation of a building's roof also minimizes any chance for harmful exposure of persons living or working within the building itself.

(2) Mobile (vehicle-mounted) antennas

Vehicle-mounted antennas used for cellular communications normally operate at a power level of 3 watts or less. These cellular antennas are typically mounted on the roof, on the trunk, or on the rear window of a car or truck. Studies have shown that in order to be exposed to RF levels that approach the safety guidelines it would be necessary to remain very close to a vehicle-mounted cellular antenna. For example, a study done for AT&T Bell Laboratories by the University of Washington documented typical and "worst-case" exposure levels and specific absorption rates (SAR) for vehicle occupants and persons standing close to vehicle-mounted cellular antennas. Worst-case exposure conditions were considered when an individual was at the closest possible distance from the antenna. Several configurations were tested using adult and child "phantom" models.

The results of this study showed that the highest exposure (1900 $\mu\text{W}/\text{cm}^2$) occurred with a female model at a distance of 9.7 cm (3.8 inches) from one of the antennas operating at a power level of 3 watts. Although this level is nominally in excess of the FCC's exposure limits for power density at this frequency, analysis of the data indicated that the antenna

would have to be driven to 7 W of power before the limit for *specific absorption rate* (SAR) allowed by the FCC guidelines would be exceeded. The intermittent nature of transmission and the improbability that a person would remain so close to the antenna for any length of time further reduces the potential for excessive exposure.

The University of Washington study also indicated that vehicle occupants are effectively shielded by the metal body. Motorola, Inc., in comments filed with the FCC, has expressed the opinion that proper installation of a vehicle-mounted antenna to maximize the shielding effect is an effective way of limiting exposure. Motorola and other companies have recommended antenna installation either in the center of the roof or the center of the trunk. In response to concerns expressed over the commonly-used rear-window mounted cellular antennas, Motorola has recommended a minimum separation distance of 30-60 cm (1 -2 feet) to minimize exposure to vehicle occupants resulting from antenna mismatch for this type of antenna installation.

In summary, from data gathered to date, it appears that properly installed, vehicle-mounted, personal wireless transceivers using up to 3 watts of power would result in maximum exposure levels in or near the vehicle that are well below the FCC's safety limits. This assumes that the transmitting antenna is at least 15 cm (about 6 inches) or more from vehicle occupants. Time-averaging of exposure (either a 6 or 30minute period is specified) will usually result in still lower values when compared with safety guidelines.

(3) Hand-held cellular telephones and PCS devices

A question that often arises is whether there may be potential health risks due to the RF emissions from hand-held cellular telephones and PCS devices. The FCC's exposure guidelines, and the ANSI/IEEE and NCRP guidelines upon which they are based, specify limits for human exposure to RF emissions from hand-held RF devices in terms of *specific absorption rate* (SAR). For exposure of the general public, e.g., exposure of the user of a cellular or PCS phone, the SAR limit is an absorption threshold of 1.6 watts/kg (W/kg), as measured over any one gram of tissue.

Measurements and computational analysis of SAR in models of the human head and other studies of SAR distribution using hand-held cellular and PCS phones have shown that, in general, the 1.6 W/kg limit is unlikely to be exceeded under normal conditions of use. Before FCC approval can be granted for marketing of a cellular or PCS phone, compliance with the 1.6 W/kg limit must be demonstrated. Also, testing of hand-held phones is normally done under conditions of maximum power usage. In reality, normal power usage is less and is dependent on distance of the user from the base station transmitter.

In recent years publicity, speculation and concern over claims of possible health effects due to RF fields from hand-held wireless telephones prompted industry-sponsored groups, such as Wireless Technology Research, L.L.C. (WTR) and Motorola, Inc., to initiate research programs aimed at investigating whether there is any risk to users of these devices. Past studies carried out at frequencies both higher and lower than those used for cellular and PCS phones have led expert organizations to conclude that typical RF exposures from these devices are safe. However, the Federal Government is monitoring the results of the ongoing industry-sponsored research through an inter-agency working group led by the EPA and the FDA's Center for Devices and Radiological Health.

In a 1993 "Talk Paper," the FDA stated that it did not have enough information at that time to rule out the possibility of risk, but if such a risk exists "it is probably small." The FDA concluded that there is no proof that cellular telephones can be harmful, but if individuals remain concerned several precautionary actions could be taken. These included limiting conversations on hand-held cellular telephones to those that are essential and making greater use of telephones with vehicle-mounted antennas where there is a greater separation distance between the user and the radiating structure.

.....

NOTE: For more information on these and other RF-related topics, you may call the FCC's toll-free number: 1-888-CALL FCC (1-888-225-5322) or contact the FCC's RF Safety Program, in the Office of Engineering and Technology, at (202) 418-2464. Information is also available at the FCC's Office of Engineering and Technology World Wide Web Site under the "RF Safety" heading at the following address: www.fcc.gov/oet/rfsafety.

Appendix D: EXPERT QUALIFICATIONS

Daniel J. Collins, Chief Technical Officer, Pinnacle Telecom Group, LLC

Synopsis:	<ul style="list-style-type: none"> • 36 years of experience in all aspects of wireless system engineering, related regulation, and RF exposure • Has performed or led RF exposure compliance assessments on more than 12,000 antenna sites since the new FCC regulations went into effect in 1997 • Has provided testimony as an RF compliance expert more than 1,200 times since 1997 • Have been accepted as an expert in New York, New Jersey and more than 40 other states, as well as by the FCC
Education:	<ul style="list-style-type: none"> • B.E.E., City College of New York (Sch. Of Eng.), 1971 • M.B.A., 1982, Fairleigh Dickinson University, 1982 • Bronx High School of Science, 1966
Current Responsibilities:	<ul style="list-style-type: none"> • lead all PTG staff work involving RF safety and FCC compliance, microwave and satellite system engineering, and consulting on wireless technology and regulation
Prior Experience:	<ul style="list-style-type: none"> • Edwards & Kelcey, VP – RF Engineering and Chief Information Technology Officer, 1996-99 • Bellcore, Executive Director – Regulation and Public Policy, 1983-96 • AT&T (Corp. HQ), Director – Spectrum Management Policy and Practice, 1977-83 • AT&T Long Lines, Group Supervisor – Microwave Radio System Design, 1972-77
Specific RF Safety / Compliance Experience:	<ul style="list-style-type: none"> • Involved in RF exposure matters since 1972 • Have had lead corporate responsibility for RF safety and compliance at AT&T, Bellcore, Edwards & Kelcey, and PTG • While at AT&T, helped develop the mathematical models later adopted by the FCC for predicting RF exposure • Have been relied on for compliance by all major wireless carriers, as well as by the federal government, several state and local governments, equipment manufacturers, system integrators and other consulting / engineering firms
Other Background:	<ul style="list-style-type: none"> • Author, <i>Microwave System Engineering</i> (AT&T, 1974) • Co-author and executive editor, <i>A Guide to New Technologies and Services</i> (Bellcore, 1993) • National Spectrum Managers Association (NSMA) – three-term President and chair of the Board of Directors; earlier was founding member, twice-elected Vice President, long-time member of the Board, and was named an NSMA Fellow in 1991 • Listed in <i>Who's Who in the Media and Communication</i> and <i>International Who's Who in Information Technology</i> • Published more than 35 articles in industry magazines

RECEIPT
7194 4668 3130 0004 3124

FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

SEND TO:
Orange County Planning Dept.
24 Main Street
Goshen NY 10924
NOV 21 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

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RECEIPT
7194 4668 3130 0004 3155

FROM:
Snyder & Snyder, LLP
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PB:

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Town Board
Town of Montgomery
170 Bracken Road
Montgomery NY 12549
NOV 12 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
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TOTAL \$ 4.64

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RECEIPT
7194 4668 3130 0004 3162

FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

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City Council
City of Beacon
1 Municipal Plaza, Suite 1
Beacon NY 12508
NOV 12 2000

FEES:
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Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

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RECEIPT
7194 4668 3130 0004 3148

FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

SEND TO:
Town Board
Town of Cornwall
183 Main Street
Cornwall NY 12518
NOV 12 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
7194 4668 3130 0004 3131

FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

SEND TO:
Town Board
Town of Blooming Grove
Box 38
Blooming Grove NY 10914
NOV 12 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

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RECEIPT
7194 4668 3130 0004 3186

FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

SEND TO:
Village Board
Village of Washingtonville
29 Washington Street
Washingtonville NY 10992
NOV 12 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
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FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

SEND TO:
Town Board
Town of Fishkill
Box Route 52
Fishkill NY 12524
NOV 12 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
7194 4668 3130 0004 3087

FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

SEND TO:
Orange County Emergency Serv
255 Main Street
Goshen NY 10924
NOV 21 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
7194 4668 3130 0004 3094

FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

SEND TO:
Town Board
Town of Newburgh
1496 Route 300
Newburgh NY 12550
NOV 21 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
7194 4668 3130 0004 3100

FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

SEND TO:
Town Board
Town of Hamptonburgh
18 Bull Road
Hamptonburgh NY 12536
NOV 21 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

POSTMARK OR DATE

RECEIPT
7194 4668 3130 0004 3117

FROM:
Snyder & Snyder, LLP
RE: 10-497

DP:
PB:

SEND TO:
Common Council
City of Newburgh
83 Broadway
Newburgh NY 12550
NOV 21 2000

FEES:
Postage 0.39
Certified Fee 2.40
Return Receipt 1.85
Restricted

TOTAL \$ 4.64

POSTMARK OR DATE

LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

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FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS
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FAX (212) 932-2693

DAVID L. SNYDER*
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ROBERT D. GAUDIOSO

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* ADMITTED NY, NJ AND DC

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NEWARK, NEW JERSEY 07102
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FAX (973) 824-9774

REPLY TO:

Westchester office

November 20, 2008

Director
Orange County Emergency Services
Orange County Government Center
255 Main Street
Goshen, New York 10924

Re: Application to Town of New Windsor
by Omnipoint Communications Inc.
to install a wireless telecommunications facility
at 111 Windsor Highway, New Windsor, NY

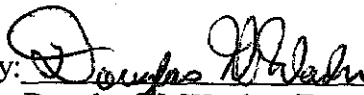
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If you should have any questions, please do not hesitate to contact my office.

Very respectfully submitted,
SNYDER & SNYDER, LLP

By: 
Douglas W. Warden, Esq.

DWW:rmb

cc: Town of New Windsor Planning Board

Z:\SSDATA\WPDATA\SS3\RDG\voicestream\New Windsor\10-497\10-497 Municipal Notification Ltr 1.wpd

DAVID L. SNYDER*
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ROBERT D. GAUDIOSO

WRITER'S E-MAIL ADDRESS
DWarden@snyderlaw.net

REPLY TO:

Westchester office

FREDERICK W. TURNER, COUNSEL

November 20, 2008

* ADMITTED NY, NJ AND DC

Town Board
Town of Newburgh
1496 Route 300
Newburgh, NY 12550

Re: Application to Town of New Windsor
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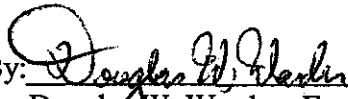
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DWW:rmb

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FAX (973) 824-9774

REPLY TO:

Westchester office

November 20, 2008

Town Board
Town of Hamptonburgh
18 Bull Road
Hamptonburgh, NY 10916

Re: Application to Town of New Windsor
by Omnipoint Communications Inc.
to install a wireless telecommunications facility
at 111 Windsor Highway, New Windsor, NY

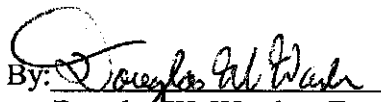
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Douglas W. Warden, Esq.

DWW:rmb

cc: Town of New Windsor Planning Board

Z:\SSDATA\WPDATA\SS3\RDG\voicestream\New Windsor\10-497\10-497 Municipal Notification Ltr 3.wpd

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FAX (973) 824-9774

REPLY TO:

Westchester office

FREDERICK W. TURNER, COUNSEL

November 20, 2008

*ADMITTED NY, NJ AND DC

Common Council
City of Newburgh
83 Broadway
Newburgh, New York 12550

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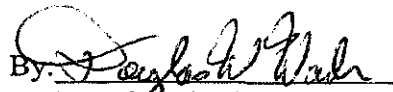
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DWW:rmb

cc: Town of New Windsor Planning Board

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(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Westchester office

November 20, 2008

Orange County Planning Department
124 Main Street
Goshen, NY 10924

Re: Application to Town of New Windsor
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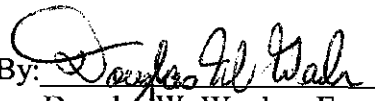
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DWW:rmb

cc: Town of New Windsor Planning Board

Z:\SSDATA\WPDATA\SS3\RDG\voicestream\New Windsor\10-497\10-497 Municipal Notification Ltr 5.wpd

LAW OFFICES OF
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FREDERICK W. TURNER, COUNSEL

* ADMITTED NY, NJ AND DC

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Westchester office

November 20, 2008

Town Board
Town of Blooming Grove
Box 358
Blooming Grove, New York 10914

Re: Application to Town of New Windsor
by Omnipoint Communications Inc.
to install a wireless telecommunications facility
at 111 Windsor Highway, New Windsor, NY

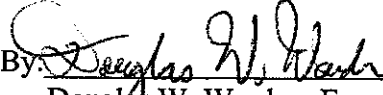
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SNYDER & SNYDER, LLP

By: 
Douglas W. Warden, Esq.

DWW:rmb

cc: Town of New Windsor Planning Board

Z:\SSDATA\WPDATA\SS3\RDG\voicestream\New Windsor\10-497\10-497 Municipal Notification Ltr 6.wpd

NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

(914) 333-0700
FAX (914) 333-0743

ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
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DAVID L. SNYDER*
LESLIE J. SNYDER
ROBERT D. GAUDIOSO

WRITER'S E-MAIL ADDRESS
DWarden@snyderlaw.net

REPLY TO:

Westchester office

FREDERICK W. TURNER, COUNSEL

November 20, 2008

*ADMITTED NY, NJ AND DC

Town Board
Town of Cornwall
183 Main Street
Cornwall, New York 12518

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DWW:rmb

cc: Town of New Windsor Planning Board

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LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

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NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Westchester office

November 20, 2008

Town Board
Town of Montgomery
110 Bracken Road
Montgomery, New York 12549

Re: Application to Town of New Windsor
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to install a wireless telecommunications facility
at 111 Windsor Highway, New Windsor, NY

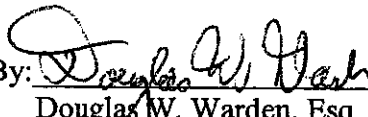
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If you should have any questions, please do not hesitate to contact my office.

Very respectfully submitted,
SNYDER & SNYDER, LLP

By: 
Douglas W. Warden, Esq.

DWW:rmb

cc: Town of New Windsor Planning Board

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LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700
FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS
DWarden@snyderlaw.net

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DAVID L. SNYDER*
LESLIE J. SNYDER
ROBERT D. GAUDIOSO

FREDERICK W. TURNER, COUNSEL

* ADMITTED NY, NJ AND DC

City Council
City of Beacon
1 Municipal Plaza, Suite 1
Beacon, New York 12508

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Westchester office

November 20, 2008

Re: Application to Town of New Windsor
by Omnipoint Communications Inc.
to install a wireless telecommunications facility
at 111 Windsor Highway, New Windsor, NY

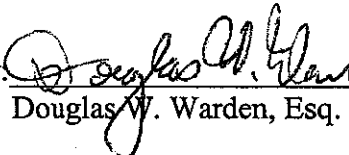
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DWW:rmb

cc: Town of New Windsor Planning Board

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NEWARK, NEW JERSEY 07102
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FAX (973) 824-9774

REPLY TO:

Westchester office

November 20, 2008

Town Board
Town of Fishkill
807 Route 52
Fishkill, New York 12524

Re: Application to Town of New Windsor
by Omnipoint Communications Inc.
to install a wireless telecommunications facility
at 111 Windsor Highway, New Windsor, NY


Dear Madame or Sir:

Pursuant to the requirements of the Town of New Windsor's Zoning Code regarding telecommunications towers, I am writing to inform this body that Omnipoint Communications Inc. is filing an application for a wireless telecommunications facility ("Facility") with the Town of New Windsor.

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cc: Town of New Windsor Planning Board

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(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Westchester office

November 20, 2008

Village Board
Village of Washingtonville
29 West Main Street
Washingtonville, New York 10992

Re: Application to Town of New Windsor
by Omnipoint Communications Inc.
to install a wireless telecommunications facility
at 111 Windsor Highway, New Windsor, NY

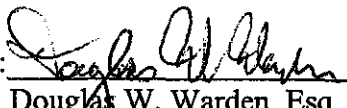
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cc: Town of New Windsor Planning Board

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CTIA is the international association for the wireless telecommunications industry, dedicated to expanding the wireless frontier.

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March 02, 2005

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Year	Ending Subscribers	U.S. 9-1-1 Annually	U.S. 9-1-1 Monthly	U.S. 9-1-1 - Daily
1985	340,213	193,333	16,111	530
1986	681,825	649,659	54,138	1,780
1987	1,230,855	1,202,336	100,195	3,294
1988	2,069,441	2,382,855	198,571	6,528
1989	3,508,944	4,311,497	359,291	11,812
1990	5,283,055	5,914,653	492,888	16,205
1991	7,557,148	8,007,586	667,299	21,939
1992	11,032,753	12,641,470	1,053,456	34,634
1993	16,009,461	15,491,344	1,290,945	42,442
1994	24,134,421	17,910,620	1,492,552	49,070
1995	33,785,661	20,059,894	1,671,658	54,959
1996	44,042,992	21,659,967	1,804,997	59,180
1997	55,312,293	30,517,327	2,543,110	83,609
1998	69,209,321	35,805,405	2,942,910	98,097
1999	86,047,003	43,298,856	3,608,238	118,627
2000	109,478,031	51,104,214	4,188,870	139,629
2001	128,374,512	56,879,775	4,739,981	155,835
2002	140,766,842	64,330,447	5,360,871	176,248
2003	158,721,981	72,535,945	6,044,662	198,729

Sources: CTIA, California Highway Patrol, New York State Police, and other state officials and wireless carriers.

Press Release

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CTIA 1400 16th Street, NW, Suite 600, Washington D.C. 20036 202.785.0081